



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 39]

नई दिल्ली, गुरुवार, जुलाई 30, 2015/ श्रावण 8, 1937 (शक)

No. 39]

NEW DELHI, THURSDAY JULY 30, 2015/SHRAVANA 8, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Report of the select Committee on the Real Estate (Regulation and Development) Bill, 2013 was presented to the Rajya Sabha on the 30th July, 2015:-

COMPOSITION OF THE COMMITTEE

1. Shri Anil Madhav Dave— Chairman
2. Shri Mansukh L. Mandaviya
3. Shri Shamsher Singh Manhas
4. Shri Shantaram Naik
5. Prof. M.V. Rajeev Gowda
6. Kumari Selja
7. Shri Naresh Agrawal
8. Shri K.C. Tyagi
9. Shri Md. Nadimul Hague
10. Shri A. W. Rabi Bernard
11. Shri Munquad Ali
17. Shri Ritabrata Banerjee
13. Shri A.U. Singh Deo
14. Shri C.M. Ramesh
15. Shri Majeed Memon

16. Dr. K.P. Ramalingam
17. Shri Anil Desai
18. Shri Naresh Gujral
19. Shri Nazir Aluned Laway
20. Shri D. Kupendra Reddy
21. Shri Rajeev Chandrasekhar

SECRETARIAT

- | | | |
|----------------------------------|---|-----------------------------|
| 1. Shri Deepak Goyal | — | <i>Additional Secretary</i> |
| 2. Shri Surendra Tripathi | — | <i>Director</i> |
| 3. Dr. Smt. Subhashree Panigrahi | — | <i>Joint Director</i> |
| 4. Shri Sammer Kapoor | — | <i>Assistant Director</i> |
| 5. Smt. Leela Sama | — | <i>Assistant Director</i> |

REPRESENTATIVES OF THE MINISTRIES

- (i) Ministry of Housing and Urban Poverty Alleviation
 1. Dr. Nandita Chatterjee, Secretary
 2. Shri Rajiv Ranjan Mishra, Jt, Secretary
 3. Shri Premjit Lal, Director
 4. Shri Nagendra God, Legal Counsel
- (ii) Legislative Department (Ministry of Law & Justice)
 1. Dr. Mukulita Vijayavargiya, Additional Secretary
 2. Dr. N.R. Battu, Joint Secretary and Legislative Counsel
 3. Shri R. Sreenivas, Deputy Legislative Counsel

ACRONYMS

NCR	National Capital Region
NCT	National Capital Territory
NDMA	National Disaster Management Authority
IBA	Indian Banks Association
RBI	Reserve Bank of India
RWAs	Resident Welfare Associations
UP	Uttar Pradesh

INTRODUCTION

I, the Chairman of the Select Committee on Real Estate (Regulation and Development) Bill, 2013 having been authorised by the Committee to submit the Report on its behalf, present this Report on the Bill.

2.. The Real Estate (Regulation and Development) Bill, 2013, as introduced in the Rajya Sabha, was referred to the Select Committee comprising of 21 members of Rajya Sabha on a motion adopted in the House on the 6th May, 2015 for examination and submission of Report thereon to the Rajya Sabha by the last day of the first week of the Monsoon Session in July 2015. The said Bill was referred to the Select Committee along with amendments proposed by the Government as well as by the private member as per Rule 83 of the Rules of Procedure and Conduct. of Business in the Rajya Sabha.

3. The Committee held 17 sittings in all. Out of these, 8 sittings were held outside Delhi and the remaining were held in Delhi. The Committee heard 445 witnesses in all at different places representing different categories/groups of stake holders i.e., representatives of consumers/Residents Welfare Associations, promoters/builders, banking/financial institutions (financers), representatives from Housing Departments of all States and Union Territories and law firms and other independent experts in the field of real estate. The list of witnesses examined is placed as **Annexure-I** of the Report.

4. The Committee had its first meeting held on the 12th May, 2015 wherein the Committee decided to issue a Press Communiqué inviting suggestions/views from organisations and public at large. The Committee also decided to undertake visits to Kolkata, Bengaluru, Mumbai and Shimla with a view to interact with various stakeholders in different parts of the country. As per the decision of the Committee, a Press Communiqué was issued on 2nd June, 2015. The Committee in all received 273 Memoranda. The list of individuals/ organizations who submitted Memoranda before the Committee is placed at Annexure-II of the Report.

5. In the Second Meeting held on the 26th May, 2015 the Committee heard the views of the Secretary, "Ministry of Housing and Urban Poverty Alleviation. The Secretary gave a background of the Bill and apprised the Committee about the important amendments proposed to the Bill on the basis of recommendations made by the Department Related Parliamentary Standing Committee. The purport behind the present amendments proposed by the Government was also explained to the Committee.

6. Realising, the region specific nuances of the real estate matters, the Committee met for two days each at the aforesaid four places of the country and heard the views of official as well as non-official witnesses of that particular region of the country. The Committee undertook study visits to Kolkata and Bengaluru from the 7th to 11th June, 2015 and to Mumbai and Shimla from the 25th to 30th June, 2015.

7. On the 6th and 7th July, 2015 the Committee met in Delhi and heard various stakeholders of UP, Rajasthan, NCT of Delhi and other left over States. In view of the large scale real estate development activities in the NCR region, the Committee specifically heard the stakeholders of NOIDA, Greater NOIDA and Gurgaon in these two meetings.

8. The Committee also heard the representatives of the Reserve Bank of India along with leading banking and non-banking financial institutions of the country as financial institutions play an important role in development of real estate sector.

9. The Committee at its sittings held on the 15th and 16th July, 2015 considered the Bill clause by clause along with Government and other amendments and also sought necessary clarifications from the representatives of Ministries of Housing and Urban Poverty Alleviation and Law and Justice on the relevant Clauses.

10. On a motion adopted by the House on 24th July, 2015, the Committee was granted extension of time upto *29th July, 2015 for presentation of its report.

11. Kumari Selja, Shri Shantaram Naik, Shri M.V. Rajeev Gowda, Shri Naresh Aarwal, Shri Ritabrata Banerjee and Shri A.W. Rabi Bernard, Members of the Committee gave notes of dissent which have been appended to the report.

12. The Committee considered the draft report on the Bill on 21st, 22nd and 27th July and adopted it on the 27th July 2015.

13. The Committee wishes to express its gratitude to the Secretary of Ministry of Housing and Urban Poverty Alleviation along with her team of officers who worked with the Committee in close coordination all along, the Secretaries of the Ministry of Law and Justice and the Department of Financial Services, the Governor. RBI, and the representatives of various concerned State Governments, other eminent experts, individuals and organizations who have contributed immensely by giving their valuable views/opinion on the different provisions of the Bill. Views and documents furnished by different financial institutions, private witnesses and law firms also provided valuable inputs to the Committee and these have been of significant help to the Committee.

Date: 30.07.2015

Anil Madhav Dave
Chairman
Select Committee on the Real
Estate (Regulation and
Development) Bill, 2013

* As the sitting, of the House for 29th July, 2015 was cancelled due to sad demise of former President of India Dr. A.P.J. Abdul Kalam, the report was presented on 30th July, 2015.

REPORT

Background

The Real Estate (Regulation and Development) Bill, 2013 was introduced in the Rajya Sabha on 14th of August 2013. The Bill contains the Statement of Objects and Reasons which spells out the reasons behind initiating the legislation by way of this Bill. It inter alia states as follows —

"The real estate sector plays a catalytic role in fulfilling the need and demand for housing and infrastructure in the country. While this sector has grown significantly in recent years, it has been largely unregulated, with absence of professionalism and standardisation and lack of adequate consumer protection. Though the Consumer Protection Act, 1986 is available as a forum to the buyers in the real estate market, the recourse is only curative and is not adequate to address all the concerns of buyers and promoters in that sector. The lack of standardisation has been a constraint to the healthy and orderly growth of industry. Therefore, the need for regulating the sector has been emphasised in various forums.

In view of the above, it becomes necessary to have a Central legislation, namely, the Real Estate (Regulation and Development) Bill, 2013 in the interests of effective consumer protection, uniformity and standardisation of business practices and transactions in the real estate sector. The proposed Bill provides for the establishment of the Real Estate Regulatory Authority (the Authority) for regulation and promotion of real estate sector and to ensure sale of plot, apartment or building, as the case may be, in an efficient and transparent manner and to protect the interest of consumers in real estate sector and establish the Real Estate Appellate Tribunal to hear appeals from the decisions, directions or orders of the Authority.

The proposed Bill will ensure greater accountability towards consumers, and significantly reduce frauds and delays as also the current high transaction costs. It attempts to balance the interests of consumers and promoters by imposing certain responsibilities on both. It seeks to establish symmetry of information between the promoter and purchaser, transparency of contractual conditions, set minimum standards of accountability and a fasttrack dispute resolution mechanism. The proposed Bill will induct professionalism and standardisation in the sector, thus paving the way for accelerated growth and investments in the long run.

2. The Real Estate (Regulation and Development) Bill, 2013 was referred to the Department Related Standing Committee of Parliament on the 23rd September 2013. The Standing Committee had laid its report in the Rajya Sabha on the 13th February 2014 and in the Lok Sabha on the 17th February 2014.

3. When the Bill was about to come before the House during the 235th Session of the Rajya Sabha, the Government, on the basis of the recommendations of the Standing Committee and otherwise, gave a notice of 117 amendments in the Bill.

Salient features of the Bill

4. The followings are the salient features of the Bill:

a. Applicability of the Bill:

- The Bill is applicable to residential real estate, where the size of land proposed to be developed is more than 1000 sq meters or where the number of apartments proposed to be developed are more than 12.

b. Establishment of Real Estate Regulatory Authority

- Establishment of one or more 'Real Estate Regulatory Authority' in each State/UT, or one Authority for two or more States/UTs, by the Appropriate Government for oversight of real estate transactions,
- To appoint one or more adjudicating officers to settle disputes and impose interest and compensation;

c. Registration of Real Estate Projects and Registration of Real Estate Agents:

- Mandatory registration of real estate projects and real estate agents who intend to sell any plot, apartment or building, with the Real Estate Regulatory Authority;

d. Mandatory Public Disclosure of all project details:

- Mandatory public disclosure norms for all registered projects like details of the promoters, layout plan, plan of development works, land status, status of the statutory approvals, disclosure of proforma agreements,
- disclosure of names and addresses of real estate agents, contractors, architect, structural engineer etc.;

e. Functions and Duties of Promoter:

- Disclosure of all relevant information relating to the project;
- Adherence to approved plans and project specifications as approved by competent authorities;
- Obligations regarding veracity of the advertisement or prospectus;
- Rectification of structural defects within two years of possession;
- Refund of money in cases of default;

f. Compulsory deposit of seventy percent:

- To compulsorily deposit seventy percent (or such lesser percent as notified by the Appropriate Government) of the amounts realized for the real estate project from the allottees in a separate account in a scheduled bank within a period of fifteen days to cover the cost of construction to be used for that purpose;

g. Functions of Real Estate Agents:

- Real estate agents to sell properties registered with the Authority;
- Maintain books of accounts, records and documents;
- Not to involve in any unfair trade practices;

h. Rights and Duties of Allottees:

- Right to obtain stage-wise time schedule of project;
- Claim possession as per promoter declaration;
- Obtain refund with interest for default by the promoter;
- Allottees to make payments and fulfill responsibilities as per the agreement;

i. Functions of Real Estate Regulatory Authority:

- The Authority to enforce the provisions of the Bill;
- To act as the nodal agency to co-ordinate efforts regarding development of the real estate sector and to render necessary advice to the appropriate Government to ensure the growth and promotion of a transparent, efficient and competitive real estate sector;

j. Fast Track Dispute Settlement Mechanism:

- Fast track dispute resolution through adjudicating officers (Joint Secretary to State Government);

k. Establishment of Central Advisory Council:

- To advise the Central Government on implementation of the Act, recommend policy measures, recommend measures towards protection of consumer interest and to foster growth and development of the real estate sector;

l. Establishment of Real Estate Appellate Tribunal:

- Real Estate Appellate Tribunal to hear appeals from the orders of the Authority and the adjudicating officer. The Appellate Tribunal is to be headed by a sitting or retired Judge of the High Court with one judicial and one administrative/technical member;

m. Punitive Provisions:

- Punitive provisions including de-registration of the project and penalties in case of contravention of the provisions of the Bill or the orders of the Authority or the Tribunal;

n. Bar of Jurisdiction of Courts:

- Provision for barring jurisdiction of court and any authority from entertaining complaints in respect of matters covered under the Bill;

o. Power to make Rules and Regulations:

- Appropriate Government to have powers to make rules over subjects specified in the Bill;
- Regulatory Authority to have powers to make regulations.

Committee's deliberations & General Observations

5. The Select Committee as per its decision taken in its first meeting on the 12th June, 2015 visited Kolkata, Bengaluru, Mumbai and Shimla with a view to have wider consultations with various stakeholders on the provisions on the Bill. The Committee also interacted with various stakeholders in Delhi. For the sake of convenience, the stakeholders were divided into following five categories:-

- (i) Consumers and Resident Welfare Associations;
- (ii) Promoters/Builders and Real Estate Agents;
- (iii) Banks and other financial institutions including RBI and NHB ;
- (iv) Representatives of State Government concerned with real estate / housing including Development Authorities;
- (v) Legal firms, NGOs and others.

6. It was the sincere endeavour of the Committee to invite each and every State Government and cross section of other stakeholders to have vital inputs in the examination of the Bill. The Committee received valuable inputs from all cross section of stakeholders. Some of the important views received from the stake holders, category wise are enumerated in succeeding paragraphs.

(i) Consumers and Resident Welfare Associations

The Committee came across many instances of standalone projects where the consumers were fleeced by the unscrupulous promoters. These consumers invested their hard earned money for their dream houses which turned out to be a nightmare for them while they run from pillar to post either to get the possession of their apartment or refund of their money back and fighting cases in the courts. The consumers were unanimous in their submission that they have no means to know about the real status of the project for example whether all the approvals have been obtained, who is holding the title of the land, what is the financing pattern of the project and what has been the past record of the builder, etc? As a

result, they invested their money without having any information about the project. In many cases, they were not given what was promised to them and in almost all the cases the project was delayed. Submitting their views on the Bill, they highlighted on the following points:-

- a) There should not be any deemed provision for the registration of project by promoter. The projects should be registered only after thorough scrutiny.
- b) Any housing project should commence only after obtaining all the approvals by the promoter and they should have access to all the documents before entering into agreement of sale.
- c) The advance cost of apartment, plot or building before entering into written agreement should not be more than one lakh or 5% of the cost of apartment whichever is less (Clause 13(1)).
- d) There should be a model "agreement for sale" which should be appended to the Bill.
- e) In case of default by a promoter, they should be given refund of money at the market rate prevailing at that time with interest. There should be one criterion for selling a flat i.e. the carpet area which should be clearly defined and should not be linked to National Building Code which can be changed any time independent of the bill.
- g) The definition of the term 'advertisement' should be made more exhaustive and the definition of the term allottee' should also include the association of allottees or group of allottees so that they can in case of need take up the cause collectively.
- h) Information relating to various clearances, credentials of promoter
i.e., cases pending against, defaults in payments in the past, projects left in between in the past, etc., water harvesting, environmental impact, net worth of promoters and financing pattern etc. should be given.
- i) Regarding the provision to keep 50% of the amount realized for the project from allottees in a separate account, it was demanded that this amount should not be less than 70%.
- j) On structural defect after handing over the possession, it was demanded that the liability of promoter should be increased from 2 years to 5 years.
- k) In case any project is abandoned by a promoter the way out suggested in clause 16 is inappropriate. In such an eventuality, the promoter be subjected to heavy penalty and compelled to carry the project through rather than considering the suggested options which were not practicable.
- l) In case of default, allottees are charged penalty at much higher rate of interest compared to default on the part of the promoter.
- m) There should not be any exemption to any project from the provisions of this Bill in respect of area and number of flats.
- n) Timely formation of the association of the allottees and handing over of the common areas to the association for management at the earliest.
- o) Parking areas and accommodation for the domestic help to be dealt as per the Supreme Court Judgment.

(ii) Promoters/Builders and Real Estate Agents

Promoters were mainly critical in their submission on the delays caused in obtaining the various approvals before starting any real estate project. Some of them pointed that it took years to obtain necessary approval. Further, the builders showed serious concern on the provisions of 50% of the amount realized by builders in a separate bank account for

construction purpose at places where component of land cost was high to the extent of 70%. This category of stake holders emphasised on the following points:

- a) Bill should not be made applicable to commercial property.
- b) Too much disclosure of information to public at large may hamper their business strategies and also the investment in the sector.
- c) Getting approvals from various agencies of the State Government take considerable time which ultimately delay the project and increase its cost.
- d) The promoter should not be held responsible for the delays in the handing over of the apartments on account of the inaction or delayed action of the concerned departments of the State Governments.
- e) The bulk purchasers should not be treated as promoters.
- f) The investors/financers play an important role in the real sector and their interest also needs to be protected suitably in the bill. In their absence, the real estate sector might suffer a serious setback.
- g) Liability of structural defect should be subject to third party verification.
- h) Punishments provided in the Bill are too harsh.
- i) Amount realized for any project from allottees (to be kept in a separate account) should be meant only to cover the cost of construction and it should not be more than 30% in any case.
- j) Real estate agents should also be called real estate consultants or realtors and the criteria for their registration shall be determined in consultation with the association of real estate agents.
- k) There should be single window scheme for all the clearances to be given by the Municipal Corporation, Development Authority, etc.

(iii) Banks and other financial institutions including RBI and NHB

Financial institutions/Banks including RBI were of the view that they play a major role in the development of real estate sector. They submitted that they should be given due representation in different provisions of the Bill. During their interaction with the Committee they emphasized following issues:-

- a) There should be one member each from RBI and IBA in the Central Advisory Council proposed to be set up under the Bill.
- b) In case of default by promoter or refund to allottees, if project or the apartment has been financed by Bank, the refund money should route through the Bank.
- c) The amount realized by the promoter from the allottees for a particular project should be kept with the scheduled bank and it should not be less than 70%.
- d) Banks/financial institutions should also be given chance to be heard before the regulatory authority in case they had lend the money.
- e) There should be tripartite agreement between promoter, the concerned and Financial Institution and the allottee if an apartment has been financed.
- f) There should be a single window scheme for clearance of housing projects.
- g) The projects should follow NDMA disaster resistance standards.

(iv) Representatives of State Government concerned with real estate /housing including Development Authorities

The representatives of various State Governments were of the views that the provisions of the Bill in many cases are in conflict with the local laws of the State. Some of them were of

the views that the Bill should have been in the form of model legislation to be left for the State to adopt it. Some of the important views expressed by them were:

- a) The Authorities while functioning as promoter should not be equated with a company registered under the Companies Act and may be exempted from certain provisions.
- b) The obligation of Authorities consequent upon lapse or on revocation of registration should be clearly defined and elaborated.
- c) Liability of developer in case of structural defect should be increased from two years to five years.

The representatives of Maharashtra pleaded that their law should not be repeated by central Act and both laws can function in tandem. They also raised issues pertaining to deemed conveyance under clause 15 and removing the exemption limit under clause 3(2).

(v) Legal firms, NGOs and others

Law firms and NGOs, etc. gave their general suggestions on the drafting of the Bill from the point of view that there should be minimal disputes coming to courts. They insisted upon the clarity in the provisions of the Bill at many places. A few of their suggestions were as follows:-

- a) There is no provision for refund on cancellation of allotment.
- b) International Property Measurement Standards should be adopted in India.
- c) Second appeal under the Bill should be in Supreme Court and not in High Court.
- d) The Authority should envisage a system of accreditation of promoters.
- e) The provision of deemed registration in 15 days is too short. It should be 30 days at least.
- f) The words 'wilful' in clause 7(1)(a) and 'irregularities' in 7(1)(c) be defined.
- g) In chapter VIII, that deals with offences, penalties, etc it would be very difficult to establish that the failure of the part of the promoter or agent.
- h) There should be insurance of projects to protect customers and developers.

Committee's Observation & Recommendations

7. The Committee shares the concern of the consumers and agrees that the consumers have to suffer because of fly by night operators who dupe them and take away their hard earned money. The Committee expresses its full sympathy with those consumers who lost their money or who are fighting their cases in the courts for justice. The Committee is fully in support for the cause of the consumers and has no doubt that the Bill should be such that there is no scope at all for the promoters to mislead or dupe the consumers.

8. The Committee, however, also notes that the promoters also share a big responsibility in developing the real estate sector. Like any other business there are good and bad promoters. Therefore, it may not be appropriate to paint all promoters with same brush.

9. The Committee also realises that it has been the constant endeavour of successive Governments to provide shelter and housing to all its citizens. The Government of the day targets housing for all by the year 2022 and is acting with a renewed impetus. This task cannot be completed without the help of private operators. With this objective in view, the Committee has also to ensure that there is sufficient growth in the sector to achieve the desired target. Further, the law should not be such that kill the investment in the sector as lakhs of people are earning their bread and butter from the activities in this sector. But at the same time, the Committee also reiterates that the growth of this sector cannot be at the cost of consumers. In fact the Committee seeks to stand by the good consumer and the good promoter. The Committee, accordingly, seeks to strike a balance in the Bill.

10. The Committee took up clause by clause consideration of the Bill at its meetings on 15th and 16th July, 2015 and considered the draft report on 21st, 22nd and 27th July, 2015. During these meetings, the Committee considered the provisions of the Bill in the light of the Government amendments proposed to the Bill, the suggestions received from various stakeholders, etc. The Committee could not accept several suggestions as they were either beyond the scope of the Bill or had the potential of tilting the balance on one side. The Committee has accepted many valuable suggestions coming from various stakeholders. With these observations in the preceding paragraphs, the Committee recommends enactment of the legislation with some major modifications as detailed below:-

Clause 2

(i) sub clause (b) — definition of the word 'advertisement'

The Committee recommends that the definition may be made more exhaustive by replacing the word 'media' by 'medium' and by inserting the words 'or publicity in any form, informing persons about a real estate project or' before the word 'offering'.

(ii) sub clause (ha) — definition of 'agreement of sale'

The Committee recommends that this phrase should be changed to 'agreement for sale'.

(iii) sub clause (d) — definition of 'apartment'

The Committee recommends that the words used in the definition i.e. 'includes any covered garage or room' whether or not adjacent to the building..., use of the allottee for parking any vehicle..., for residence of any domestic help etc.' should be deleted so as to bring clarity in the definition. The Committee also recommends that garage may be defined separately.

(iv) sub clause (i) — definition of 'carpet area'

The Committee discussed at length on the wording of this definition and opined that the definition should be reworded and should not be linked to National Building Code, 2005. After some deliberations, the Committee agreed to on the following definition of the 'carpet area':-

"carpet area" means the net usable floor area of an apartment, excluding the area covered by the external walls, areas under services shafts, exclusive balcony or verandah area, and exclusive open terrace areas, but includes the area covered by the internal partition walls of the apartment".

Explanation.- For the purpose of this clause, the term "exclusive balcony or verandah area" means the area of the balcony or verandah, as the case may be, which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee; and "exclusive open terrace area" means the area of open terrace which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee.

(v) sub clause (I) — definition of 'commencement certificate'

The Committee desires that commencement certificate issued by the competent authority to permit the promoter to begin development work should also include all the planning approvals of the authority with a view to make definition more stringent. In Committee's view, this will help the consumer to know about the approvals which have been obtained by the promoter for the project. The Committee, accordingly, recommends that the definition should be suitably reworded.

(vi) sub clause (m) — definition of 'common area'

The Committee desires that the definition of 'common area' should be made succinct so as to convey that the 'common area' is the entire common place in the project including the

open parking, terraces, common facilities, place for lodging of community service personnel, the entire land for the real estate project or the phase thereof.

(vii) sub clause (p) — definition of 'completion certificate'

The Committee is of the considered view that the 'completion certificate' cannot be equated with 'occupation certificate' as the two are different having different connotations in many States. The Committee recommends that 'completion certificate' and 'occupation certificate' should be defined separately rather than as one definition, as the two terms have different meanings. However, in case of States where the two terms are used interchangeably, the disclosure requirement under clause 11 may be provided for either or both, as applicable.

(viii) sub clause (w) — 'interest'

The Committee holds the view that the interest rate payable by the promoter as well as by allottee shall be same in the eventuality of any default by either of them. The Committee, accordingly, recommends that necessary changes in the Bill may be made. Also, the Committee was of the view that the period from which the interest becomes due should be made clear.

(ix) sub clause (zc) — 'planning area'

The Committee is of the view that real estate development beyond town planning area may also be brought under the ambit of this Bill. The Committee suggests that while retaining the definition of 'planning area' some powers may be given to authority elsewhere so that the real estate development in non-planning area is also regulated by the authority. The Committee recommends accordingly.

(x) sub clause (zf) — 'promoter'

The Committee does not agree with the part of the definition wherein the bulk purchaser i.e. a person who is holding more than 2 apartments or plots in the same project, is being treated as promoter. Some Members were of the view that this will kill the investment in the sector which is essential for its growth. The Committee recommends that as the intention behind defining 'bulk purchaser' is to ensure that front companies are not created for escaping the Bill, the Bill may provide for suitable provisions making the promoter liable till the handing over/conveyance of the project.

(xi) sub clause (zk)

The Committee recommends that the reference to National Building Code may be removed as is being done elsewhere in the Bill.

Clause 3

(i) sub clause (1)

With a view to make the sub clause comprehensive, the Committee recommends that the words 'advertise, market' may be inserted before the word 'book'.

(ii) sub clause (2)(a)

There was a good discussion in the Committee about retaining the exception from registration based on area of land and number of flats under the project. There were views that the exemption limit provided in respect of area of land and the number of flats should be reduced. At the same time, the Committee also received feedback that there should be no exception from registration of any kind of project. The Committee recommends that the area of land and the number of flats to be exempted from registration should be reduced and adequate powers in this regard may be provided to the Appropriate Government.

Clause 4

(i) sub clause (2)

The Committee is of the opinion that the promoter while applying for registration of any project with the authority should enclose with it the following documents:-

- a) details of existing projects of the promoter;

- b) details of various approvals received by the promoter;
- c) details of land title on which the project is proposed; and
- d) details about the payment dues on land title.

The Committee recommends for an appropriate provision in clause 4.

(ii) sub clause (2)(e)

The Committee recommends that along with the proforma of agreement for sale, the promoter should also enclose with this application the proforma of allotment letter and conveyance deed.

(iii) sub clause (2)(f)

The Committee recommends that this sub clause should contain the details of open terrace, verandah, balconies, etc. and also disclose the area of the garage.

(iv) sub clause (2)(i)(D)

The Committee received various suggestions on this sub clause ranging from keeping 100% of the amount realized for the real estate project from the allottee in a separate bank account to a minimum of 30%. The Committee notes that the variations in submissions before the Committee were emanating from difference in the cost of land prevailing in different areas of the country. The Committee further noted that in some area the cost of land accounts for nearly 80% of the cost of the project. In such a situation, keeping 50% or more in a separate account will unnecessarily amount to blocking the funds. Further, there is also vast difference in the per square meter selling cost and construction cost of projects in some areas.

The Committee also received suggestions that keeping this amount in a separate bank account should include the cost of the land. Besides, there was a proposal that the manner of withdrawing the money by the promoter from this account should also be provided under this clause. The Committee agreed to the following changes in the formulation of this sub clause:-

"(D) that fifty per cent., or such higher per cent. as notified by the appropriate Government, of the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and shall be used only for that purpose:

Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of construction of a real estate project, in proportion to the percentage of completion of the project:

Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project:

Provided also that the promoter shall get his accounts audited within six months after the close of every financial year by a Chartered Accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for that project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.

Explanation.- For the purpose of this clause, the term "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934:

Clause 5**(1) sub clause (1)(b)**

The Committee does not agree with the amendment of the Government and recommends that this sub clause should be retained in the Bill and authority should have power to reject an application for reasons to be recorded in writing. The Committee further recommends that changes may be made in the Bill *mutatis mutandis*.

(ii) sub clause (2)

The Committee is of the view that the period of 15 days for deemed registration is too less and, therefore, the same be increased to 30 days. The Committee recommends, accordingly.

Clause 6

The Committee is of the opinion that the words 'include issue of completion certificate, approvals, etc. without default on the part of the promoter' have the potential of circumventing the purpose of this clause and, therefore, should be removed. The Committee recommends giving powers to the Authority, in reasonable circumstances, to provide for extension of registration for reasons to be recorded in writing. The Committee recommends, accordingly.

Clause 7**(i) sub clause (1)(a)**

The Committee recommends that the word 'wilful' occurring in the sub clause and subsequently in clauses 54 to 58 may be deleted as it becomes very difficult to establish a wilful default.

(ii) sub clause (1)(d)(A)

The Committee recommends that the word 'orally' be deleted as it becomes very difficult to substantiate any statement made orally by the promoter in furtherance of fraudulent measure.

(iii) new sub clause

The Committee recommended that a mechanism for freezing the bank account of the project, in case of revocation of registration, for further use for completing the project, should be provided.

Clause 11**(i) sub clause (1)(b)**

The Committee does not agree with the amendment of the Government regarding deletion of quarterly up-to-date list of number and type of apartment booked and recommends that it should be retained. The Committee also recommends that quarterly disclosure of number of garages booked and quarterly update of approvals taken and pending, etc. should be specified.

(ii) sub clause (3)

The Committee recommends that in place of words 'upon entering into an agreement for sale' the words 'at the time of booking and issue of allotment letter' be inserted to make this sub clause more specific.

(iii) sub clause (4) (c)

The Committee is of the opinion that formation of association of society or co-operative society may be left for the allottees to decide, and the role of the promoter should be limited to providing enabling support. The Committee also recommends that a time limit within which the association should be formed should be provided as many local laws do not provide for a time limit. The Committee recommends, accordingly.

(iv) new sub clause

The Committee recommends that a provision may be inserted in sub clause (4) which should provide that the promoter should bear all the liabilities till the flat is transferred in the name of allottee, and that the promoter shall not create any new mortgage, etc. The Committee also recommends that loss due to defective title should be indemnified.

Clause 14**(i) sub clause (1)**

The Committee recommends that the words 'structural designs' should be removed subject to applicability, as they are not approved by all the competent authorities and only what is approved by the local authorities should be mentioned.

(ii) sub clause (2)(i) — proviso

The Committee recommends that minor addition or alterations should be defined, and a clause restricting the promoter and the bulk buyers from giving their consent for major alterations should be excluded.

(iii) New sub clause

The Committee notes that as of now, there is no provision in the Bill wherein the procedure for change of promoter during the tenure of project is provided. The Committee is of the view that change of promoter should be made with the consent of two/third of allottees. The Committee recommends, accordingly.

(iv) New Clause

The Committee recommends that an enabling clause providing for title insurance, etc. should be inserted for future need. The Committee recommends, accordingly.

Clause 21**sub clause (1)**

The Committee recommends that the original provision for five years tenure should be retained. However, reappointment of Chairman and Members of the Authority should be barred.

Clause 25**sub clause (1)**

The Committee is of the view that there should be complete ban on re-employment of Chairman or Member of the Authority in private sector. The Committee recommends, accordingly.

The Committee further recommends that the same provisions may also be inserted in respect of Appellate Tribunal.

Clause 29

The Committee received many suggestions wherein the promoters submitted that a lot of delay is caused in starting the project as they have to obtain various approvals from different authorities. The Committee in the process also came across an idea of 'single window clearance scheme' by appropriate Government to facilitate development of real estate sector. The Committee recommends suitable amendments in the clause in order to address the concerns of the promoters.

Clause 34**sub clause (1)**

The Committee with a view to make the provision specific recommends that the words 'as an arrear of land revenue' be added after the words 'in such manner as may be prescribed'.

Clause 38

The Committee recommends that the promoter, while preferring an appeal to the Appellate Tribunal, should deposit with the Tribunal at least 30% of the penalty amount and other liabilities, if any, imposed on it by Authority so that the realization of the penalty imposed on the promoter is not delayed for a long time.

Clause 51**sub clause (2)**

There was some difference of opinion amongst the Members regarding the imprisonment provided under the clause and high percentage of fine. A view emerged that imprisonment clause be removed and fine should be reduced to 2%. This, however, was not agreed to by the other Members. The Committee recommends that original provisions be retained. In addition, the Committee is also of the view that violation of orders of the Appellate Tribunal is a serious offence and penal provisions were inadequate.

Clause 65

The Committee recommends that the name of the 'Real Estate Fund' should be changed to 'Real Estate Regulatory Fund' which appears to be more appropriate.

Clause 66

Some Members objected to the provision regarding crediting all sums realized by way of penalties into the Consolidated Fund of India. They were of the view that why these sums could be not credited to the Real Estate Regulatory Fund? The Committee recommends that if there is no legal bar, the sum realized through penalty may be credited in the regulatory fund.

Long title, enacting formula and Clause 1

The Committee recommends that formal amendments in the enacting formula and clause 1 of the Bill regarding change in the calendar year from 2013 to 2015 and Republic Year may also be carried out.

The Committee also adopts the amendments proposed by the Government in the long title.

The Committee also approves the other changes made in the Bill with a view to remove ambiguity and improve clarity in the different clauses in the Bill.

Except for the above recommendations, the Committee adopts all other clauses along with amendments proposed by the Government.

**NOTE OF DISSENT GIVEN BY
KUMARISELJA, SHRISHANTARAM NAIK
AND PROF. M. V. RAJEEV GOWDA, M.P.'s**

NOTE OF DISSENT

Dear Sri Anil rvladhav Dave,

While thanking you for conducting the proceedings of the Select Committee on the Real Estate (Regulation and Development) Bill 2015 in a constructive manner, we would like to submit a note of dissent on the following points:-

CLAUSE 3 —REGISTRATION OF COMPANY OR ASSOCIATION SEEKING TO REGISTER REAL ESTATE PROJECT

It is our view that every Company or Association which seeks to register any project must first register the Company or Association in the office of the Real Estate Authority. As the provisions of the bill currently stand, it is only after and only if a Company or Association approaches an authority for registering their project that registration is made mandatory and that too, only of the project and not of the Company or Association.

Therefore an appropriate amendment needs to be made in Clause 3.

CLAUSE 2 (d) - IN DEFINITION OF "ALLOTTEE," PERSON AGREED TO BE SOLD MUST ALSO BE INCLUDED.

The definition of "allottee" needs to be improved. In any conveyance deed a vendor who agrees to sell and the purchaser who agrees to purchase both have a legal role to play. In the definition of "allottee" in the bill, there is no mention of any party called, "a person who agrees to purchase or a seller who agrees to sell."

Therefore the necessary correction needs to be made to make the definition of allottee more complete and to remove any possible misinterpretation.

CLAUSE 3 (2) (a) - MINIMUM SIZE FOR PLOT OR PROJECT REQUIRED TO COME UNDER THE PURVIEW OF THE ACT

Currently, the Bill excludes land below five hundred square metres or apartments with eight or fewer units from its purview. This provision would result in the exclusion of the bulk of urban middle and lower class home buyers from the protection of the Bill. This is because plot sizes are typically below five hundred square metres in urban settings across India, particularly in the denser neighbourhoods populated by the poorer and middle-class sections of society. These homebuyers are the most vulnerable to exploitation by developers and real estate agents.

Therefore, we urge that there be no minimum size for plot nor should there be a minimum number of apartments in a project. All projects should be brought under the purview of the Bill in the interest of protecting all homebuyers.

CLAUSE 4 (2) (I) (D) — INCREASE FIFTY PERCENT REQUIREMENT IN ESCROW ACCOUNT FOR CONSTRUCTION COSTS TO SEVENTY PERCENT

The original 2013 Bill had required that 70 percent of the payments made by a homebuyer should be kept in an account earmarked for construction costs, and these amounts should be used only for that purpose (to prevent misuse or diversion of funds and delay in project completion). The current Bill brings this amount down to 50 percent.

Therefore we recommend that the Bill institute a requirement that 70 percent or such higher per cent as notified by the appropriate Government, of the payments made by the home buyers should be kept in a separate account and used for that specific purpose.

CLAUSE 6

The provision for extension must clarify that this clause applies only in the special circumstances of force majeure.

CLAUSE 11 ON DUTIES OF PROMOTER—ADD ANTI-DISCRIMINATION

In the function and duties of the Promoter, we recommend that a nondiscrimination clause be added, as follows:

11 (4) (j) shall not discriminate on the basis of age, caste, creed, ethnicity, food preferences, gender, language, marital status, nationality, region of origin, religion, or sexual orientation, when transacting with a potential allottee.

CLAUSE 11 (3) (a) SAFETY APPROVALS SHOULD BE ADDED

Current clause:

Sanctioned plan, (***) layout plans, along with specifications, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the authority.

Should be changed to:

Sanctioned plan, (***) layout plans, along with specifications and safety approvals, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the authority.

CLASUE 14 (1) SAFETY PLANS NEED TO BE ADDED

Current clause:

The proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans, layout plans (***) and specifications as approved by the competent authorities.

Should be changed to:

The proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans, layout plans (***), specifications and safety plans as approved by the competent authorities.

ISSUE OF MAINTENANCE CHARGE NOT ADDRESSED

The Bill has not addressed the issue of maintenance charges and who is responsible for maintenance. A clause needs to be added that day-to-day maintenance should rest with the homebuyers association from the time of handing over of possession.

Sincerely,

Kumari'Selja

Shantaram Naik

M. V. Rajtevwda

**NOTE OF DISSENT GIVEN BY
SHRIRITABRATABANERJEE, M.P.**

Respected Shri Anil Madhav Dave Ji,

I want to thank you for coordinating the proceedings of the Select Committee on the Real Estate (Regulation and Development) Bill 2015 in a democratic manner.

I would like to submit a note of dissent on the following points:—

CLAUSE 2 (d) - IN DEFINITION OF 'ALLOTTEE,' PERSON AGREED TO BE SOLD MUST ALSO BE INCLUDED.

The definition of "allottee" needs to be improved.

In the definition of "allottee" in the there is no Mention of any party called, " a person who agrees to purchase or a seller who agrees to sell."

Necessary Correction is essential to make the definition of allottee complete. No room must be left out for any possible misinterpretation.

CLAUSE 3 (2) (a) - MINIMUM SIZE FOR PLOT OR PROJECT REQUIRED TO COME UNDER THE PURVIEW OF THE ACT

Currently, the Bill excludes land below five hundred square Metres or apartments with eight or fewer units from its purview. This provision would result in the exclusion of the bulk of urban middle and lower class home buyers from the protection of the Bill.

We must remember that plot sizes are typically below five hundred square metres in urban settings across India.

The poor and middle-class sections of society continue to be the most vulnerable to exploitation by developers and real estate agents.

I feel that let there be no minimum size for plot nor should there be a minimum number of apartments in a project. All projects should be brought under the purview of the Bill in the interest of protecting all homebuyers.

CLAUSE 4 (2) (I) (D) - INCREASE FIFTY PERCENT REQUIREMENT IN ESCROW ACCOUNT FOR CONSTRUCTION COSTS TO SEVENTY PERCENT

The original 2013 Bill had required that 70 percent of the payments made by a homebuyer should be kept in an account earmarked for construction costs, and these amounts should be used only for that purpose. The current Bill brings this amount down to 50 percent.

I feel that let the Bill institute a requirement that a minimum of 70 per cent of the construction costs of a project should be kept in a separate account and used for that specific purpose.

with warm regards,

Ritabrata Banerjee

**NOTE OF DISSENT GIVEN BY
SHRI A.W. RABI BERNARD, M.P.**

Dissent Note on the Real Estate (Regulation and Development) Bill, 2013

To

The Chairman,
Select Committee - Real Estate (R&D) Bill 2013.

Sir,

On behalf of my Party, All India Anna Dravida Munnetra Kazhagam, I am presenting this NOTE OF DISSENT:—

1. My Party opposes, the Real Estate (Regulation and Development) Bill, 2013 in toto;
2. The Bill is not strictly within the legislative competence of the Central Government;
3. The Bill casts undue responsibilities on the State Government and the competent authorities;
4. Land is a State Subject as per the Seventh Schedule of the Constitution, List II. The Government of India seems to be introducing this Bill under the residuary powers vested with it. It could have been better had this been sent as a Model Bill to the States, with States enacting their own Bill to regulate the real estate sector. The States are in a better position to regulate, monitor and implement the various existing laws protecting the stakeholders in the Real Estate Business.

Hence, my Party opposes the Bill, in toto.

(A.W. RABI BERNARD)

**NOTE OF DISSENT GIVEN BY
SHRINARESHAGARWAL, M.P.**

The Chairman,
The Select Committee on the Real Estate
(Regulation and Development Bill, 2015, Rajya Sabha New Delhi)

Sir,

List (2) of the Seventh Schedule of the Constitution of India is the State List wherein Housing is enumerated as a State Subject.

Central Government cannot enact any law on the subjects relating to States and if it does so, it would be treated as interference in the jurisdiction of the States.

Presently the introduction of Real Estate Bill is the violation of the Rights of the States. The Government of Uttar Pradesh has already enacted a law on this subject.

Therefore, I request you to kindly withdraw the Bill or treat my letter as Dissent Note.

With Regards.

Yours sincerely,
Sd/-
(Naresh Agarwal)

THE REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2015

As reported by the Select Committee

[words and figures underlined indicate the amendments and (***) mark indicates the omission suggested by the Select Committee]

THE REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2015

A

Bill

to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Real Estate (Regulation and Development) Act, 2015.

(2) It extends to whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "adjudicating officer" means the adjudicating officer appointed under sub-section (1) of section 71;

(b) "advertisement" means any document described or issued as advertisement through any (***) medium and includes any notice, circular or other documents or publicity in any form, informing persons about a real estate project, or offering for sale of a plot, building or apartment or inviting persons to purchase in any manner such plot, building or apartment or to make advances or deposits for such purposes;

(c) "agreement for sale" means an agreement entered into between the promoter and the allottee;

(d) "allottee" in relation to a real estate project, means the person to whom a plot, apartment or buildings as the case may be, has been allotted, sold (whether as freehold or leasehold) or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;

(e) "apartment" whether called block chamber, dwelling unit, flat, office, show-room shop, godown, premises, suit, tenement, unit or by any other name, means a separate and

self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for (***) any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of (***) use ancillary to the purpose specified (***)

(f) "Appellate Tribunal" means the Real Estate Appellate Tribunal established under section 43;

(g) "appropriate Government" means in respect of matters relating to,—

- (i) the Union territory without Legislature, the Central Government;
- (ii) the Union territory of Puducherry, the Union territory Government;
- (iii) the Union territory of Delhi, the Central Ministry of Urban Development;
- (iv) the State, the State Government;

(h) "architect" means a person registered as an architect under the provision of the Architects Act, 1972;

(i) "Authority" means the Real Estate Regulatory Authority established under sub-section (1) of section 20;

(j) "building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, commercial or for the purpose of any business, occupation, profession or trade, or for any other related purposes;

(k) "carpet area" means the net usable floor area of an apartment, excluding the area covered by the external walls, areas under services shafts, exclusive balcony or verandah area and exclusive open terrace area, but includes the area covered by the internal partition walls of the apartment.

*Explanation:—*For the purpose of this clause, the expression "exclusive balcony or verandah area" means the area of the balcony or verandah, as the case may be, which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee, and "exclusive open terrace area" means the area of open terrace which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee;

(l) "Chairperson" means the Chairperson of the Real Estate Regulatory Authority appointed under section 21;

(m) "commencement certificate" means (***) the commencement certificate or the building permit or the construction permit, by whatever name called, issued by the competent authority to allow or permit the promoter to begin development works on an immovable property, as per the sanctioned plan;

(n) "common areas" mean,—

- (i) the (***) entire land for the real estate project or where the project is developed in phases and registration under this Act is sought for a phase, the entire land for that phase;
- (ii) the stair cases, lifts, staircase and lift lobbies, fire escapes, and common entrances and exists of buildings;
- (iii) the common basements, terraces, parks, play areas, open parking areas and common storage spaces;
- (iv) the premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staffs or for the lodging of community service personnel;

- (v) installations of central services such as electricity, gas, water and sanitation, air-conditioning and incinerating, system for water conservation and renewable energy;
 - (vi) the water tanks, sumps, motors, fans compressors, ducts and all apparatus connected with installations for common use;
 - (vii) all community and commercial facilities as (***) provided in the real estate project;
 - (viii) all other portion of the (***) project necessary or convenient for its maintenance, safety, etc. and in common use;
- (o) "company" means a company incorporated and registered under the Companies Act, (***) 2013 and includes,—
- (i) a corporation established by or under any Central Act or State Act;
 - (ii) a development authority or any public authority establish by the Government in this behalf under any law for the time being in force;
- (p) "competent authority" means the local authority or any authority created or established under any law for the time being in force (***) by the appropriate Government which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;
- (q) "completion certificate" means the completion certificate, or such other certificate, (***) by whatever name called, issued by the competent authority (***) certifying that the real estate project has been developed according to the sanctioned plan, layout plan and specifications, as approved by the competent authority under the local laws;
- (r) "day" means the working day, in the concerned State or Union territory as the case may be, notified by the appropriate Government from time to time;
- (s) "development" with its grammatical variations and cognate expressions, means carrying out the development of immovable property, engineering or other operations in, on over or under the land or the making of any material change in any immovable property or land and includes re-development;
- (t) "development works" means the external development works and internal development works on immovable property;
- (u) "engineer" means a person who possesses a bachelor's degree or equivalent from an institution recognized by the All India Council of Technical Education or any University or any institution recognized under a law or is registered as an engineer under any law for the time being in force;
- (v) "estimated cost of real estate project" means the total cost involved in developing the real estate project and includes the land cost, taxes, cess, development and other charges;
- (w) "external development works" includes roads and road systems, landscaping, water supply, sewerage and drainage systems, electricity supply transformer, sub-station, solid waste management and disposal (***) or any other work which may have to be executed in the periphery of, or outside a (***) project for its benefit, as may be (***) provided under the local laws (***);
- (x) "family" includes husband, wife minor son and unmarried daughter wholly dependent on a person;
- (y) "garage" means a place within a project having a roof and walls on three sides for parking any vehicle, but does not include an unenclosed or uncovered parking space such as open parking areas;
- (z) "immovable property" includes land, buildings, rights of ways, lights or any other benefit arising out of land and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, standing crops or grass;

(za) "interest" means the rates of interest payable by the promoter or the allottee, as the case may be.

Explanation:—For the purpose of this clause—

- (i) The rate of interest chargeable from the allottee by the promoter, in case of default, shall be equal to the rate of interest which the promoter shall be liable to pay the allottee, in case of default;
- (ii) The interest payable by the promoter to the allottee shall be from the date the promoter received the amount or any part thereof till date the amount or part thereof and interest thereon is refunded, and the interest payable by the allottee to the promoter shall be from the date the allottee defaults in payment to the promoter till the date it is paid;

(zb) "internal development works" means roads, footpaths, water supply, sewers, drains, parks tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and (***) sullage water, solid waste management and disposal, water conservation, energy management, fire protection and fire safety requirements, social infrastructure such as educational, health and other public amenities or any other work in a (***) project for its benefit, as per sanctioned plans;

(zc) "local authority" means the Municipal Corporation or Municipality or Panchayats or any other Local Body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(zd) "Member" means the member of the Real Estate Regulatory Authority appointed under section 21 and includes the Chairperson;

(ze) "Notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(zf) "occupancy certificate" means the occupancy certificate, or such other certificate by whatever name called, issued by the competent authority permitting occupation of any building, as provided under local laws, which has provision for civic infrastructure such as water, sanitation and electricity;

(zg) "person" includes,-

- (i) an individual;
- (ii) a Hindu undivided family;
- (iii) a company;
- (iv) a firm under the Indian Partnership Act, 1932 or the Limited Liability Partnership Act, 2008, as the case may be;
- (v) a competent authority;
- (vi) an association of persons or a body of individuals whether incorporated or not;
- (vii) a co-operative society registered under any law relating to co-operative societies;
- (viii) any such other entity as the appropriate Government may, by notification, specify in this behalf;

(zh) "planning area" means a planning area or a development area or a local planning area or a regional development plan area, by whatever name called, or any other area specified as such by the appropriate Government or any competent authority and includes any area designated by the appropriate Government or the competent authority to be a planning area for future planned development, under the law relating to Town and Country Planning for the time being in force and as revised from time to time;

- (zi) "prescribed" means prescribed by rules made under this Act;
- (zj) "project" means the real estate project as defined in clause (zn) (***);
- (zk) "promoter" means,—
- (i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees (***) or
 - (ii) a person who develops (**) land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; and
 - (iii) any development authority or any other public body in respect of allottees of—
 - (a) buildings or apartments, as the case may be, constructed by such authority or body on lands owned by them or placed at their disposal by the Government; and
 - (b) plots owned by such authority or body or placed at their disposal by the Government, for the purpose of selling all or some of the apartments or plots, or
 - (iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its Members or in respect of the allottees of such apartments or buildings; or
 - (v) any other person who acts himself as a builder, colonizer, contractor, developer, estate developer or by an other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or (**) plot is developed for sale; and
 - (vi) such other persons who constructs any building or apartment for sale to the general public.

*Explanation:—*For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a (**) plot for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters and shall be jointly liable as such for the functions and responsibilities specified under this Act or the rules and regulations made thereunder;

(zl) "prospectus" means any document described or issued as a prospectus or any notice, circular, or other document offering for sale of any real estate project or inviting any person to make advances or deposits for such purposes;

(zm) "real estate agent" means any person, who negotiates or acts on behalf of one person in a transaction of transfer of his plot, apartment or building, as the case may be, in a real estate project, by way of sale, with another person or transfer of plot, apartment or building, as the case may be, of any other person to him and receives remuneration or fees or any other charges who introduces, through any medium, prospective buyers and sellers to each other for negotiation for sale or purchase of plot, apartment or building, as the case may be, and includes property dealers, brokers, middlemen by whatever name called;

(zn) "real estate project" means the development of a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of (**) land into plots or apartments, as the case may be, for the purpose of selling all or some of the said apartments or plots or buildings, as the case may be, and includes the common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenances belonging (**) thereto;

(zo) "regulations" means the regulations made by the Authority under this Act;

(zp) "rule" means the rules made under this Act by the appropriate Government;

(zq) "sanctioned plan" means the site plan, building plan, service plan, parking and circulation plan, landscape plan, layout plan, zoning plan and such other plan and includes structural designs, if applicable, permissions such as environment permission and such other permissions, which are approved by the competent authority prior to start of a real estate project;

(zr) words and expressions used herein but not defined in this Act and defined in any law for the time being in force or in the municipal laws or such other relevant laws of the appropriate Government shall have the same meanings respectively assigned to them in those laws.

CHAPTER II

REGISTRATION OF REAL ESTATE PROJECT AND REGISTRATION OF REAL ESTATE AGENTS

3. (1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project, or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Prior registration of real estate project with Real Estate Regulatory Authority.

Provided that (***) projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required—

(a) where the area of land proposed to be developed does not exceed (***) five hundred square meters or the number of apartments proposed to be developed does not exceed (***) eight, inclusive of all phases (***):

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act:

(b) where the promoter has received (***) completion certificate for (***) a real estate project prior to commencement of this Act;

(c) for the purpose of renovation or repair or re-development which does not involve (***) marketing, advertising, selling or new allotment of any apartment, plot or building, as the case may be, under (***) the real estate project.

Explanation.—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under (***) this Act for each phase separately.

4. (1) Every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be specified by the regulations made by the Authority.

Application (***) for registration of real estate projects.

(2) The promoter shall enclose the following documents along with the application referred to in sub-section (1), namely:—

- (a) a brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent authority), and the particulars of registration, and the names and photographs of the promoter;
- (b) a brief detail of the projects launched by him, in the past five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending;
- (c) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and (***) commencement certificate from the competent authority for each of such phases;
- (d) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and (***) the (***) whole project as sanctioned by the competent authority;
- (e) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof, including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;
- (f) the location details of the project, with clear demarcation of land dedicated for the project along-with its boundaries including the latitude and longitude of the end points of the projects;
- (g) proforma of the (***) allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;
- (h) the number, type and the carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas appurtenant with the apartment, if any;
- (i) the number and area of garage for sale in the project;
- (j) the names and addresses of his real estate agents, if any, for the proposed projects;
- (k) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposal project;
- (l) a declaration, supported by an affidavit, which shall be signed by the promoter or any person authorised by the promoter, starting,—
 - (A) that he has a legal title to the land on which the development is proposed along with (***) legally valid documents with authentication of such title, if such land is owned by another person;
 - (B) that the land is free from all encumbrances, or as the case may be, details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;
 - (C) the (***) time period within which he undertakes to complete the project or phase thereof, as the case may be;
 - (D) that (***) fifty per cent, or such (***) higher per cent, as notified by the appropriate Government, of the amounts realised for the real estate project

from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank (***) to cover the cost of construction and shall be used only for that purpose:

Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of construction of a real estate project, in proportion to the percentage of completion of the project:

Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project:

Provided also that the promoter shall get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for that project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.

*Explanation:—*For the purpose of this clause, the term "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934;

(E) that he shall take all the pending approvals, on time, from the competent authorities;

(F) that he has furnished such other documents as may be prescribed by the rules or regulations made under this Act; and

(m) such other information and documents as may be prescribed.

(3) The Authority shall operationalise a web based online system for submitting applications for registration of projects within a period of one year from the date of its establishment.

5. (1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of (***) thirty days—

Grant of registration.

(a) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or

(b) reject the application for reasons to be recorded in writing, if such applications does not conform to the provisions of this Act or the rules or regulations made thereunder:

Provided that no applications shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within a period of (***) seven days of the expiry of the said period of (***) thirty days specified under sub-section (1), provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.

(3) The registration granted under this section shall be valid for a period declared by the promoter under sub-clause (C) of clause (1) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be.

6. The registration granted under section 5 may be extended by the Authority on an application made by the promoter (***), due to force majeure, in such form and on payment of such fee as may be specified by regulations made by the Authority:

Extension of registration.

Provided that the Authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in

writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:

Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

Explanation.—For the purpose of this section, the expression "force majeure" shall mean a case of war, flood, drought, fire, cyclone earthquake or any other calamity caused by nature affecting the regular development of the real estate project.

Revocation of
registration.

7. (1) The Authority may, on receipt of a complaint or suo motu, in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that—

- (a) the promoter makes (***) default in doing anything required (***) by or under (***) this Act or the rules or the regulations made thereunder;
- (b) the promoter violates any of the terms or conditions of the approval given by the competent authority;
- (c) the promoter is involved in any kind of unfair practice or irregularities.

Explanantion.—For the purposes of this clause, the term "unfair practice means" a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:—

(A) the practice of making any statement, whether (***) in writing or by visible representation which,—

- (i) falsely represents that the services are of a particular standard or grade;
- (ii) represents that the promoter has approval or affiliation which such promoter does not have;
- (iii) makes a false or misleading representation concerning the services;

(B) the promoter permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered;

(d) the promoter indulges in any fraudulent practices.

(2) The registration granted to the promoter under section 5 shall not be revoked unless the Authority has given to the promoter not less than thirty days notice, in writing, stating the grounds on which it is proposed to revoke the registration, and has considered any cause shown by the promoter within the period of that notice against the proposed revocation.

(3) The Authority may, instead of revoking the registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter.

(4) (***) The Authority, upon the revocation of the registration,—

(a) shall debar the promoter from accessing its website in relation to that project and specify his name in the list of defaluters and display his photograph on its website and also inform the other Real Estate Regulatory Authorities in other States and Union territories about such (***) revocation or registration;

(b) (***) shall facilitate the (***) remaining development works to be carried out in accordance with the provisions of section 8;

(c) shall direct the bank holding the project bank account, specified under sub-clause (D) of clause (1) of sub-section (2) of section 4, to freeze the account, and thereafter take such

further necessary actions, including consequent de-freezing of the said account, towards facilitating the remaining development works in accordance with the provisions of section 8;

(d) may, to protect the interest of (***) allottees or in the public interest, issue such directions as it may deem necessary.

8. Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the appropriate Government to take such action as it may deem fit including the carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Authority.

Obligation of Authority consequent upon lapse of or on revocation of registration.

Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act:

Provided further that in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works.

9. (1) No real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3, being sold by the promoter in any planning area, without obtaining registration under this section.

Registration of real estate agents.

(2) Every real estate agent shall make an application to the Authority for registration in such form, manner, within such time and accompanied by such fee and documents as may be prescribed.

(3) The Authority shall, within such period, in such manner and upon satisfying itself of the fulfillment of such conditions, as may be prescribed—

- (a) grant a single registration to the real estate agent for the entire State or Union territory, as the case may be;
- (b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(4) Whereon the completion of the period specified under sub-section (3), if the applicant does not receive any communication about the deficiencies in his application or the rejection of his application, he shall be deemed to have been registered.

(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under (***) this Act.

(6) Every registration shall be valid for such period as may be prescribed, and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.

(7) Where any real estate agent who has been granted registration under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made thereunder, or where the Authority is satisfied that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit:

Provided that no such revocation or suspension shall be made by the Authority unless an opportunity of being heard has been given to the real estate agent.

Functions of real estate agents.

10. Every real estate agent registered under section 9 shall—

- (a) not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority;
- (b) maintain and preserve such books of account, records and documents as may be prescribed;
- (c) not involve himself in any unfair trade practices, namely:—
 - (i) the practice of making any statement, whether orally or in writing or by visible representation which—
 - (A) falsely represents that the services are of a particular standard or grade;
 - (B) represents that the promoter or himself has approval or affiliation which such promoter or himself does not have;
 - (C) makes a false or misleading representation concerning the services;
 - (ii) permitting the publication of any advertisement whether in any newspaper or otherwise of services that are not intended to be offered;
- (d) facilitate the possession of all the information and documents, as the allottee is entitled to, at the time of booking of any plot, apartment or building, as the case may be;
- (e) discharge such other functions as may be prescribed.

CHAPTER III

FUNCTIONS AND DUTIES OF PROMOTER

Function and duties of promoter.

11. (1) The promoter shall, upon receiving his Login Id and password under clause (a) of sub-section (1) (***) or under sub-section (2) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (2) of section 4, in all the fields as provided, for public viewing, including—

- (a) details of the registration granted by the Authority;
- (b) quarterly up-to-date the list of number and types of apartments or plots, as the case may be, booked;
- (c) quarterly up-to-date the list of number of garages booked;
- (d) quarterly up-to-date the list of approvals taken and the approvals which are pending subsequent to commencement certificate;
- (e) quarterly up-to-date status of the project; and
- (f) such other information and documents as may be specified by the regulations made by the Authority.

(2) The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, where in all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto.

(3) The promoter, (***) at the time of the booking and issue of allotment letter shall be responsible to make available to the allottee, the following information, namely:-

- (a) sanctioned plans, (***) layout plans, along with specifications, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the Authority;

- (b) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity.

(4) The promoter shall-

- (a) be responsible for all obligations, responsibilities and functions under the provisions of this Act or the rules and regulations made thereunder or to the allottees as per the agreement for sale, or to the association of allottees, as the case may be, till the conveyance of all the apartments, plots or buildings, as the case may be, to the allottees, or the common areas to the association of allottees or the competent authority, as the case may be:

Provided that the responsibility of the promoter, with respect to the structural defect or any other defect for such period as is referred to in sub-section (3) of section 14, shall continue even after the conveyance deed of all the apartments, plots or buildings, as the case may be, to the allottees are executed.

- (b) be responsible to obtain (***) the completion certificate or the occupancy certificate, or both as applicable from the relevant competent authority as per local laws or other laws for the time being in force and to make it available to the allottees individually or to the association of allottees, as the case may be;
- (c) be responsible to obtain the lease certificate, where the real estate project is developed on a leasehold and, specifying the period of lease, and certifying that all dues and charges in regard to the leasehold land has been paid, and to make the lease certificate available to the association of allottees;
- (d) be responsible for providing and maintaining the essential services, (***) on reasonable charges, till the taking over of the maintenance of the project by the association of the allottees;
- (e) (***) enable the formation of an association or society or co-operative society, as the case may be, of the allottees, or a federation of the same, under the laws applicable:

Provided that in the absence of local laws, the association of allottees, by whatever name called, shall be formed within a period of three months of the majority of allottees having booked their plot or apartment or building, as the case may be, in the project;

- (f) execute a registered conveyance deed of the apartment, plot or building, as the case may be, in favour of the allottee along with the undivided proportionate title in the common areas to the association of allottees or competent authority, as the case may be, as provided under section 17 of this Act;
- (g) pay all outgoings until he transfers the physical possession of the real estate project to the allottee or the associations of allottees, as the case may be, which he has collected from the allottees, for the payment of outgoings (including land cost, ground rent, municipal or other local taxes, charges for water or electricity, maintenance charges, including mortgage loan and interest on mortgages or other encumbrances and such other liabilities payable to competent authorities, banks and financial institutions, which are related to the project);

Provided that where any promoter fails to pay all or any of the outgoings collected by him from the allottees or any liability, mortgage loan and interest thereon before transferring the real estate project to such allottees, or the association of the allottees, as the case may be, the promoter shall continue to be liable, even after the transfer of the property, to pay such outgoings and penal charges, if any, to the authority or person to whom they are payable and be liable for the cost of any legal proceedings which may be taken therefor by such authority or person;

- (h) after he executes an agreement for sale for any apartment, plot or building, as the case may be, not mortgage or create a charge on such apartment, plot or building, as the case may be, and if any such mortgage or charge is made or created then notwithstanding anything contained in any other law for the time being in force, it shall not affect the right and interest of the allottee who has taken or agreed to take such apartment, plot or building, as the case may be;

(5) The promoter may cancel the allotment only in terms of the agreement(***) for sale:

Provided that the allottee may approach the Authority for relief, if he is aggrieved by such cancellation and such cancellation is not in accordance with the terms of the agreement (***) for sale, unilateral and without any sufficient cause.

(6) The promoter shall prepare and maintain all such other details as may be specified, from time to time, by regulations made by the Authority.

Obligations of promoter regarding veracity of the advertisement or prospectus.

12. Where any person makes an advance or a deposit on the basis of the information contained in the notice, advertisement or prospectus, or on the basis of any model apartment, plot or building, as the case may be, and sustains any loss or damage by reason of any incorrect, false statement included therein, he shall be compensated by the promoter in the manner as provided under (***) this Act:

Provided that if the person affected by such incorrect, false statement contained in the notice, advertisement or prospectus, or the model apartment plot or building as the case may be, intends to withdraw from the proposed project he shall be returned his entire investment along with interest at such rate as may be prescribed and the compensation in the manner provided under this Act.

No deposit or advance to be taken by promoter without first entering into agreement (***) for sale.

13. (1) A promoter shall not accept a sum more than ten per cent. of the cost of the apartment, plot, or building as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force.

(2) The agreement for sale referred to in-section (1) shall be in such form as may be prescribed and shall specify the particulars of development of the project including the construction of building and apartments, along with specifications and internal development works and external development works, the dates and the manner by which payments towards the cost of the apartment, plot or building, as the case may be, are to be made by the allottees and the (***) date on which the possession of the apartment plot, or building is to be handed over, the rates of interest payable by the promoter to the allottee and the allottee to the in case of default and such particulars, as may be prescribed.

Adherence to (***) sanctioned plans project specifications by the promoter.

14. (1) The proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans layout plans (***) and specifications approved by the competent authorities.

(2) Notwithstanding anything contained in any law, contract or agreement, after the sanctioned plans, layout plans and specifications and the nature of the fixtures, fittings, amenities and common areas, of the apartment, plot or buildings, as the case may be, as approved by the competent authority, are disclosed or furnished to the person who agree to take one or more of the said apartment, plot or building, as the case may be, promoter shall not make—

(i) any additions and alterations in the sanctioned plans, layout plans and specifications and the nature of fixtures, fittings and amenities described therein in respect of the apartment, plot or building, as the case may be, which are agreed to be taken, without the previous consent of that person:

Provided that the promoter may make such minor additions or alterations as may be required by the allottee, or such minor changes or alterations as may be necessary due to

architectural and structural reasons duly recommended and verified by an authorised Architect or Engineer after proper declaration and intimation to the allottee.

Explanation:- For the purpose of this clause, "minor additions of alterations" excludes structural change including an addition to the area or change in height, or the removal of part of a building, or any change to the structure, such as the construction or removal or cutting into of any wall or a part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support, or a change to or closing of any required means of access ingress or egress or a change to the fixtures or equipment etc:

(ii) any other alterations or additions in the sanctioned plans, layout plans and specifications of the buildings or the common areas within the project without the previous written consent of at-least two-thirds of the allottees, other than the promoter, who have agreed to take apartments in such building.

Explanation:- For the purpose of this clause, the allottee irrespective of the number of apartments or plots, as the case may be, booked by him or booked in the name of his family, or in the case of other persons such as companies or firms or any association of individuals etc., by whatever name called, booked in its name or booked in the name of its associated entities or related enterprises shall be considered as one allottee only.

(3) In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to (***) such development is brought to the notice of the promoter within a period of (***) five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, with (***) thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.

15. (1) The promoter shall not transfer or assign his majority rights and liabilities in respect of a real estate project to a third party without obtaining prior written consent from two-third allottees, except the promoter, and without the prior written approval of the Authority.

Provided that such transfer or assignment shall not affect the allotment or sale of the apartments, plots or buildings as the case may be, in the real estate project made by the erstwhile promoter.

Explanation:- For the purpose of this sub-section, the allottee, irrespective of the number of apartment or plots, as the case may be, booked by him or booked in the name of his family, or in the case of other persons such as companies or firms or any association of individuals, by whatever name called, booked in its name or booked in the name of its associated entities or related enterprises, shall be considered as one allottee only.

(2) On the transfer or assignment being permitted by the allottees and the Authority under sub-section (1), the intending promoter shall be required to independently comply with all the pending obligations under the provisions of this Act or the rules and regulations made thereunder, and the pending obligations as per the agreement for sale entered into by the erstwhile promoter with the allottees:

Provided that any transfer or assignment permitted under provisions of this section shall not result in extension of time to the intending promoter to complete the real estate project and he shall be required to comply with all the pending obligations of the erstwhile promoter, and in case of default, such intending promoter shall be liable to the consequences of breach or delay, as the case may be, as provided under this Act or the rules and regulations made thereunder.

16. (1) The promoter shall obtain all such insurances as may be notified by the appropriate Government, including but not limited to insurance in respect of—

(i) title of the land and building as a part of the real estate project; and

Obligations of promoter in case of transfer of a real estate project to a third party.

Obligations of promoter regarding insurance of real estate project

(ii) construction of the real estate project.

(2) The promoter shall be liable to pay the premium and charges in respect of the insurance specified in sub-section (1) and shall pay the same before transferring the insurance to the association of the allottees.

(3) The insurance as specified under sub-section (1) shall stand transferred to the benefit of the allottee or the association of allottees, as the case may be, at the time of promoter entering into an agreement for sale with the allottee.

(4) On formation of the association of the allottees, all documents relating to the insurance specified under sub-section (1) shall be handed over to the association of the allottees.

Transfer of title.

17. (1) The promoter shall (***) execute a registered conveyance deed in favour of the allottee along with the undivided proportionate title in the common areas to the association of the allottees or the competent authority, as the case may be, and hand (***) over (***) the physical possession of the plot, apartment or building, as the case may be, to the allottees and the common areas to the association of the allottees or the competent authority, as the case may be, in a real estate project, and the other title documents pertaining thereto within specified period as per sanctioned plans as provided under the local laws:

Provided that, in the absence of any local law, conveyance deed in favour of the allottee or the association of the allottees or the competent authority as the case may be, under this section shall be carried out by the promoter within three months from date of issue of occupancy certificate.

(2) After obtaining the (***) occupancy certificate and handing over physical possession to the allottees in terms of sub-section (1), it shall be the responsibility of the promoter to hand over the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, as per the local laws:

Provided that, in the absence of any local law, the promoter shall handover the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, within thirty days after obtaining the occupancy certificate.

Return of amount and compensation.

18. (1) If the promoter fails to complete or is unable to give possession of an apartment, plot or building,-

(a) in accordance with the terms of the agreement for sale or, as the case may be, duly completed by the date specified therein (***); or

(b) due to discontinuance of his business as a developer on account of suspension or revocation of (***) the registration under this Act or for any other reason,

he shall be liable on demand to the allottees, in case the allottee wishes to withdraw from the project without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building as the case may be, with interest at such rate as may be prescribed in this behalf including compensation in the manner as provided under this Act:

Provided that where an allottee does not intend to withdraw from the project he shall be paid, by the promoter, interest for every month of delay, till the handing over of the possession, at such rate as may be prescribed.

(2) The promoter shall compensate the allottees in case of any loss caused to him due to defective title of the land, on which the project is being developed or has been developed, in the manner as provided under this Act, and the claim for compensation under this sub-section shall not be barred by limitation provided under any law for the time being in force.

(3) If the promoter fails to discharge any other obligations imposed on him under this Act or the rules or regulations made thereunder or in accordance with the terms and conditions of the agreement for sale, he shall be liable to pay such compensation to the allottees, in the manner as provided under (***) this Act.

CHAPTER IV

RIGHTS AND DUTIES AND ALLOTTEES

19. (1) The allottee shall be entitled to obtain the information relating to sanctioned plans, (***) layout plans along with the specifications, approved by the competent authority and such other information as provided in this Act or the rules and regulations made thereunder or the agreement for sale signed with the promoter.

Rights and duties of allottees.

(2) The allottee shall be entitled to know stage-wise time schedule of completion of the project, including the provisions for water, sanitation, (***) electricity and other amenities and services and agreed to between the promoter and the allottee in accordance with the terms and conditions of the agreement for sale.

(3) The allottee shall be entitled to claim the possession of apartment, plot or building, as the case may be, and the association of allottees shall be entitled to claim the possession of the common areas, as per the declaration given by the promoter under sub-clause (C) of clause (1) of sub-section (2) of section 4.

(4) The allottee shall be entitled to claim the refund of amount paid along with interest at such rate as may be prescribed and compensation in the manner as provided under this Act, from the promoter, if the promoter fails to comply or is unable to give possession of the apartment, plot or building, as the case may be, in accordance with the terms of agreement for sale or due to discontinuance of his business as a developer on account of suspension or revocation of his registration under the provisions of this Act or the rules or regulations made there under.

(5) The allottee shall be entitled to have the necessary documents and plans, including that of common areas, after handing over the physical possession of the apartment or plot or building as the case may be, (***) by the promoter.

(6) Every allottee, who has entered into an agreement (***) for sale to take an apartment, plot or building as the case may be, under section 13, shall be responsible to make necessary payments in the manner and within the time as specified in the said agreement for sale and shall pay at the proper time and place, the (***) share of the registration charges, municipal taxes, water and electricity charges, maintainence charges, ground rent and other charges, if any (***) .

(7) The allottee shall be liable to pay interest, at such rate as may be prescribed, for any delay in payment towards any amount or charges to be paid under sub-section (6).

(8) The obligations of the allottee under sub-section (6) and the liability towards interest under sub-section (7) may be reduced when mutually agreed to between the promoter and such allottee.

(9) Every allottee (***) of the apartment, plot or building as the case may be, shall participate towards the formation of an association or society or co-operative society of the allottees, or a federation of the same.

(10) Every allottee shall take physical possession of the apartment, plot or building, as the case may be, within a period of two months of the occupancy certificate issued for the said apartment, plot or building, as the case may be.

(11) Every allottee shall participate towards registration of the conveyance deed of the apartment, plot or building, as the case may be, as provided under sub-section (1) of section 17 of this Act.

CHAPTER V

THE REAL ESTATE REGULATORY AUTHORITY

Establishment and incorporation of Real Estate Regulatory Authority.

20. (1) The appropriate Government shall, within a period of one year from the date of coming into force of this Act, by notification, establish an Authority to be known as the Real Estate Regulatory Authority to exercise the powers conferred on it and to perform the functions assigned to it under (***) this Act:

Provided that the appropriate Government of two or more States or Union territories may, if it deems fit, establish one single Authority:

Provided further that the appropriate Government may, if it deems fit, establish more than one Authority in a State or Union territory, as the case may be:

Provided also that, until the establishment of a Regulatory Authority under this section, the appropriate Government shall, by order, designate any Regulatory Authority or any officer preferably the Secretary of the department dealing with Housing, as the Regulatory Authority for the purposes under this Act:

Provided also that after the establishment of the Regulatory Authority, all applications, complaints or cases pending with the Regulatory Authority designated, shall stand transferred to the Regulatory Authority so established and shall be heard from the stage such applications, complaints or cases are transferred.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with the power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

Composition of Authority.

21. The Authority shall consist of a Chairperson and not less than two whole time Members to be appointed by the appropriate Government.

Qualifications of Chairpersons and Members of Authority.

22. The Chairperson and other Members of the Authority shall be appointed by the appropriate Government on the recommendations of a Selection Committee consisting of the Chief Justice of the High Court or his nominee, the Secretary of the Department dealing with the Housing and the Law Secretary, (***) in such manner as may be prescribed, from amongst persons having adequate knowledge of and professional experience of at least twenty years in case of the Chairperson and fifteen years in the case of the Members in urban development, housing real estate development, infrastructure, economics, technical experts from relevant fields, planning, law, commerce accountancy, industry, management, social service, public affairs or administration:

Provided that a person who is, or has been, in the service of the State Government shall not be appointed as a Chairperson unless such person has held the post of Additional Secretary to the Central Government or any equivalent post in the Central Government or State Government:

Provided further that a person who is, or has been, in the service of the State Government shall not be appointed as a member unless such person has held the post of Secretary to the State Government or any equivalent post in the State Government or Central Government.

Term of office of Chairperson and Members.

23. (1) The Chairperson and Members shall hold office for a term not exceeding five years from the date on which they enter upon their office or until they attain the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.

(2) Before appointing any person as a Chairperson or Member, the appropriate Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such Member.

24. (1) The salary and allowances payable to, and to other terms and conditions of service of, Chairperson and other Members shall be such as may be prescribed and shall not be varied to their disadvantage during their tenure.

Salary and allowance payable to Chairperson and Members.

(2) Notwithstanding anything contained in sub-sections (1) and (2) of section 23, the Chairperson or a Member, as the case may be, may,-

- (a) relinquish his office by giving in writing, to the appropriate Government, notice of not less than three months; or
- (b) be removed from his office in accordance with the provisions of section 26 of this Act.

(3) Any vacancy caused to the Chairperson or any other Member shall be filled-up within a period of (***) three months from the date on which such vacancy occurs.

25. The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such administrative powers and functions of the Authority as may be prescribed.

Administrative powers of Chairperson.

26. (1) The appropriate Government may, (***) in accordance with the procedure notified, remove from office the Chairperson or other Members, if the Chairperson or such other Member, as the case may be,—

Removal of Chairperson and Members from office in certain circumstances.

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence, involving moral turpitude; or
- (c) has become physically or mentally incapable of acting as a Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) (***) The Chairperson or Member shall not be removed from his office on the ground specified under clause (d) or clause (e) of (***) sub-section (1) except an order made by the appropriate Government after an inquiry made by a Judge of the High Court in which such Chairperson or Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges (***).

27. (1) The Chairperson or a Member, ceasing to hold office as such, shall not-

(a) accept any employment in, or connected with, the management or administration of, any person or organisation which has been associated with any work under (***) this Act, from the date on which he ceases to hold office:

Restrictions on Chairperson or Members on employment after cessation of office.

Provided that nothing contained in this clause shall apply to any employment under the appropriate Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company, as defined (***) under clause (45) of section 2 of the Companies Act, 2013, which is not a promoter as per the provisions of this Act;

(b) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or such Member had, before cessation of office, acted for or provided advice to, the Authority;

(c) give advice to any person using information which was obtained in his capacity as the Chairperson or a Member and being unavailable to or not being able to be made available to the public;

(d) enter into a contract of service with, or accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such.

(2) The Chairperson and Members shall not communicate or reveal to any person any matter which has been brought under his consideration or known to him while acting as such.

Officers and other employees of Authority.

28. (1) The appropriate Government may, in conclusion with the Authority appoint such officers and employees as it considers necessary for the efficient discharge of their functions under this Act who would discharge their functions under the general superintendence of the Chairperson.

(2) The salary and allowances payable to, and the other terms and conditions of service of, the officers and of the employees of the Authority appointed under sub-section (1) shall be such as may be prescribed.

Meetings of Authority.

29. (1) The Authority shall meet at such places and times, and shall follow such rules of procedure in regard to the transaction of business at its meetings, (including quorum at such meetings), as may be specified by the regulations made by the Authority.

(2) If the Chairperson (***) for any reason, is unable to attend a meeting of the Authority, any other Member chosen by the Members present amongst themselves at the meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) The question which come up before the Authority shall be dealt with as expeditiously as possible and the Authority shall dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the Authority shall record its reasons in writing for not disposing of the application within that period.

Vacancies etc. not to invalidate proceeding of the case.

30. No act or proceeding of the Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a Member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Filing of complaints with the Authority or the adjudicating officer.

31. (a) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the Rules and Regulations made thereunder, against any promoter, allottee or real estate agent, as the case may be.

Explanation.—For the purpose of the sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

(2) The form, manner and fees for filing complaint under sub-section (1) shall be such as may be specified by regulations.

Functions of Authority for promotion of real estate sector.

32. The Authority shall in order to facilitate the growth and promotion of a healthy, transparent, efficient and competitive real estate sector make recommendations to the appropriate Government or the competent authority, as the case may be, on,—

(a) protection of interest of the allottees, (***) promoter and real estate agent;

(b) (***) creation of a single window system for ensuring time bound project approvals and clearances for timely completion of the project;

(c) creation of a transparent and robust grievance redressal mechanism against acts of comission and commission of competent authorities and their officials;

(d) measures to encourage investment in the real estate sector including measures to increase financial assistance to affordable housing segment;

(e) measures to encourage construction of environmentally sustainable and affordable housing, (***) promoting standardization (***) and use of appropriate construction materials, fixtures, fittings and construction techniques;

(f) measures to encourage grading of project on various parameters of development including grading of promoters;

(g) measures to facilitate amicable conciliation of disputes between the promoters and the allottees through dispute settlement fourms set up by the consumer or promoter associations;

(h) measures to facilitate digitization of land records and system towards conclusive property titles with title guarantee;

(i) to render advice to the appropriate Government in matters relating to the development of real estate sector;

(j) any other issue that the Authority may think necessary for the promotion of the real estate sector.

33. (1) The appropriate Government may, while formulating a policy on real estate sector (including review of laws related to real estate sector) or any other matter, make a reference to the Authority for its opinion on possible effect of such policy or law on real estate sector and on the receipt of such a reference, the Authority shall, within a period of sixty days of making such reference, give its opinion to the appropriate Government, which may thereafter take further action as it deems fit.

Advocacy and
awareness
measures.

(2) The opinion given by the Authority under sub-section (1) shall not be binding upon the appropriate Government in formulating such policy or laws.

(3) The Authority shall take suitable measures for the promotion of advocacy, creating awareness and imparting training about laws relating to real estate sector and policies.

34. The functions of the Authority shall include-

Functions or
Authority.

(a) to (***) register and regulate real projects and real estate agents registered under this Act;

(b) to publish and maintain a website of records, for public viewing, of all real estate projects for which registration has been given, with such details as may be prescribed, including information provided in the application for which registration has been granted;

(c) to maintain a database, on its website, for public viewing, and enter the names and photographs of promoters as defaulters including the project details, registration for which has been revoked or have been penalized under (***) this Act, with reasons therefor, for access to the general public;

(d) to maintain a database, on its website, for public viewing, and enter the names and photographs of real estate agents who have applied and registered under this Act, with such details as may be prescribed, including those whose registration has been rejected or revoked;

(e) to fix through regulations for each areas under its jurisdiction the standard fees to be levied on the allottees (***) or the promoter or the (***) real estate agent, as the case may be;

(f) to ensure compliance of the obligations cast upon the promoters, the allottees and the real estate agents under this Act and the rules and regulations made there under;

(g) to ensure compliance of its regulations or orders or directions made in exercise of its powers under (***) this Act;

(h) to perform such other functions as may be entrusted to the Authority by the appropriate Government as may be necessary to carry out the provisions of (***) this Act.

Powers of
Authority to call
for information,
conduct
investigations.

35. (1) Where the Authority considers it expedient to do so, on a complaint or suo motu, relating to (***) this Act or the rules or regulations made thereunder, it may, by order in writing and recording reasons therefor call upon any promoter or allottee or real estate agent, as the case may be, at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require and appoint one or more persons to make an inquiry in relation to the affairs of any promoter or allottee or the real estate agent, as the case may be.

(2) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under sub-section (1), the Authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

5 of 1908

- (i) the discovery and production of books of account and other documents, at such place and at such time as may be specified by the Authority;
- (ii) summoning and enforcing the attendance of persons and examining them on oath;
- (iii) issuing commissions for the examination of witnesses or documents;
- (v) any other matter which may be prescribed.

Power to issue
interim order.

36. Where during an inquiry, the Authority is satisfied that an act in contravention of this Act, or the rules and regulations made thereunder, has been committed and continues to be committed or that such act is about to be committed, the Authority may, by order, restrain any promoter, allottee or real estate agent from carrying on such act until the conclusion of such inquiry or until further orders, without giving notice to such party, where the Authority deems it necessary.

Powers of
Authority to
issue directions.

37. The authority may, for the purpose of discharging its functions under the provisions of (***) this Act or rules or regulations made thereunder, issue such directions from time to time, to the promoters (***) or allottee or real estate agents, as the case may be, as it may consider necessary and such directions shall be binding on all concerned.

Powers of
Authority.

38. (1) The Authority shall have power to impose penalty or interest, in regard to any contravention of obligations cast upon the promoters, the allottees and the real estate agents, under this Act or the rules and the regulations made thereunder.

(2) The Authority shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Authority shall have powers to regulate its own procedure.

(3) Where an issue is raised relating to agreement, action, omission, practice or procedure that—

(a) has an appreciable prevention restriction or distortion of competition in connection with the development of a real estate project; or

(b) has effect of market power of monopoly situation being abused for affecting interest of allottees adversely,

Then the Authority, may, *suo motu*, make reference in respect of such issue to the Competition Commission of India.

39. The Authority may, at any time within a period of two years from the date of the order made under this Act, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake of brought to its notice by the parties"

Rectification of orders.

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act.

40. (1) If a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Authority, as the case may be, under this Act, or the rules and regulations made thereunder, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue.

Recovery of interest or penalty or compensation and enforcement of order etc.

(2) If any adjudicating officer or the Regulatory Authority or the Appellate Tribunal, as the case may be, issues any order or directs any person to do any act, or refrain from doing any act, which it is empowered to do under this Act or the rules or regulations made thereunder, then in case of failure by any person to comply with such order or direction, the same shall be enforced, in such manner as may be prescribed.

CHAPTER VI

CENTRAL ADVISORY COUNCIL

41. (1) The Central Government may, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Central Advisory Council.

Establishment of Central Advisory Council.

(2) The Minister to the Government of India in charge of the Ministry of the Central Government dealing with Housing shall be the *ex officio* Chairperson of the Central Advisory Council.

(3) The Central Advisory Council shall consist of representatives of the Ministry of Finance, Ministry of Industry and Commerce, Ministry of Urban Development, Ministry of Consumer Affairs, Ministry of Corporate Affairs, Ministry of Law and Justice, (***) Niti Aayog, National Housing Bank, Housing and Urban Development Corporation, five representatives of State Governments to be selected by rotation, five representatives of the Real Estate Regulatory Authorities to be selected by rotation, and any other Central Government department as notified.

(4) The Central Advisory Council shall consist of not more than ten members to represent the interests of real estate industry, consumers, real estate agents, construction labourers, non-governmental organisations and academic and research bodies in the real estate sector.

42. (1) The functions of the Central Advisory Council shall be to advise and recommend the Central Government;-

Functions of Central Advisory Council

- (a) on all matters concerning the implementation of (***) this Act;
- (b) on major questions of policy;
- (c) towards protection of consumer interest;
- (d) to foster the growth and development of the real estate sector;
- (e) on any other matter as may be assigned to it by the central Government

(2) The Central Government may specify the rules to give effect to the recommendations of the Central Advisory Council on matters as provided under sub-section (1).

CHAPTER VII

THE REAL ESTATE APPELLATE TRIBUNAL

Establishment of
Real Estate
Appellate
Tribunal

43. (1) The appropriate Government shall, within a period of one year from the date of coming into force of this Act, by notification establish and Appellate Tribunal to be known as the (name of the State/Union territory) Real Estate Appellate Tribunal:

(2) The appropriate Government may, if it deems necessary, establish one or more benches of the Appellate Tribunal, for various jurisdiction, in the State or Union Territory, as the case may be.

(3) Every bench of the Appellate Tribunal Shall consist of at-least one Judicial Member and one Administrative or Technical Member.

(4) (***) The appropriate Government of two or more States or Union Territories may, if it deems fit, establish one single Appellate Tribunal:

Provided that, until the establishment of an Appellate Tribunal under this section, the appropriate Government shall designate, by order, any Appellate Tribunal functioning under any law for the time being in force, to be the Appellate Tribunal to hear appeals under this Act:

Provided further that after the Appellate Tribunal under this section is established, all matters pending with the Appellate Tribunal designated to hear appeals, shall stand transferred to the Appellate Tribunal so established and shall be heard from the stage such appeal is transferred.

(5) Any person aggrieved by any direction or decision or order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Appellate Tribunal (***) having jurisdiction over the matter:

Provided that where a promoter files an appeal with the Appellate Tribunal, it shall not be entertained, without the promoter first having deposited with the Appellate Tribunal at-least thirty percent of the penalty, or such higher percentage as may be determined by the Appellate Tribunal, or the total amount to be paid to the allottee including interest and compensation imposed on him, if any, or with both, as the case may be, before the said appeal is heard.

Explanation. - For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

Application for
settlement of
disputes and
appeals to
Appellate
Tribunal.

44. (1) The appropriate Government or the competent authority or any person aggrieved by any direction or order or decision of the Authority or the adjudicating officer may prefer an appeal to the Appellate Tribunal.

(2) Every appeal made under sub-section (1) shall be preferred within a period of sixty days from the date on which a copy of the direction or order or decision made by the Authority or the adjudicating officer is received by the (***) appropriate Government or the competent authority or the aggrieved person and it shall be in such form, and accompanied by such fee, as may be prescribed:

Provided that the Appellate Tribunal may entertain any appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filling it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may after giving the parties an opportunity of being heard, pass such orders, including interim orders, as it thinks fit.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties and to the Authority or the adjudicating officer, as the case may be.

(5) The appeal preferred under sub-section (1), shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal within a period of (***) sixty days from the date of receipt of appeal:

Provided that where any such appeal could not be disposed of within the said period of (***) sixty days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within that period.

(6) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any order or decision of the Authority or the adjudicating officer, on its own motion or otherwise, call for the records relevant to deposing of such appeal and make such orders as it thinks fit.

45. The Appellate Tribunal shall consist of a Chairperson and not less than two (***) whole time Members of which one shall be a Judicial Member and other shall be a Technical or Administrative Member, to be appointed by the appropriate Government.

Composition of Appellate Tribunal.

Explanation.— For the purposes of this Chapter,—

- (i) "Judicial Member" means a Member of the Appellate Tribunal appointed as such under clause (b) of sub-section (1) of section 46;
- (ii) "Technical or Administrative Member" means a Member of the Appellate Tribunal appointed as such under clause (c) of sub-section (1) of section 46.

46. (1) A person shall not be qualified for appointment as the Chairperson or a Member of the Appellate Tribunal unless he,—

Qualifications for appointment of Chairperson and Members.

- (a) in the case of Chairperson, is or has been a Judge of (***) a High Court; and
- (b) in the case of a Judicial Member he has held a judicial office in the territory of India for at least (***) fifteen years or has been a member of the Indian Legal Service and has held the post of Additional Secretary (***) of that service or any equivalent post (***), or has been an advocate for at least (***) twenty years with experience in dealing with real estate matters; and
- (c) in the case of a Technical or Administrative Member, he is a person who is well-versed in the field of urban development, housing, real estate development, infrastructure, economics, planning, law, commerce, accountancy, industry, management, public affairs or administration and possesses experience of at least (***) twenty years in the field or who has held the post in the Central Government or a State Government equivalent to the post of (***) Additional Secretary to the Government of India or an equivalent post in the Central Government or an equivalent post in the State Government.

(2) The Chairperson of the Appellate Tribunal shall be appointed by the appropriate Government in consultation with the Chief Justice of High Court or his nominee.

(3) The Judicial Members and Technical or Administrative Members of the Appellate Tribunal shall be appointed by the appropriate Government on the recommendations of a Selection Committee consisting of (***) the Chief Justice of the High Court or his nominee, the Secretary of the Department handling Housing and the Law Secretary and in such manner as may be prescribed.

47. (1) The Chairperson of the Appellate Tribunal or a member of the Appellate Tribunal shall hold office, as such for a term not exceeding five years from the date on which he enters upon his office, but shall not be eligible for re-appointment:

Term of office of Chairperson and Members.

Provided that in case a person, who is or has been a Judge of a High Court, has been appointed as Chairperson of the Tribunal, he shall not hold office after he has attained the age of sixty-seven years:

Provided further that no Judicial Member or Technical or Administrative Member shall hold office after he has attained the age of sixty-five years.

(2) Before appointing any person as Chairperson or Member, the appropriate Government shall satisfy itself that the person does not have any such financial or other interest, as is likely to affect prejudicially his functions such member.

Salary and allowances payable to Chairperson and Members.

48. (1) The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members shall be such as may be prescribed and shall not be varied to their disadvantage during their tenure.

(2) Notwithstanding anything contained in sub-sections (1) and (2) of section 47, the Chairperson or a Member, as the case may be, may:—

- (a) relinquish his office by giving in writing to the appropriate Government a notice of not less than three months;
- (b) be removed from his office in accordance with provisions of section 49.

(3) A vacancy caused to the office of the Chairperson or any other Member, as the case may be, shall be filled-up within a period (***) Three months from the date on which such vacancy occurs.

Removal of Chairperson and Member from office in office in certain circumstances

49. (1) The appropriate Government may, in consultation with the Chief Justice of the High Court, remove from office of the Chairperson or any Judicial Member or Technical or Administrative Member of the Appellate Tribunal, who —

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the appropriate Government involves moral turpitude; or
- (c) has become physically or mentally incapable; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or Judicial Member or Technical or Administrative Member shall not be removed from his office except by an order made by the appropriate Government after an inquiry made by the Judge of the High Court in which such Chairperson or Judicial Member or Technical or Administrative Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The appropriate Government may suspend from the office of the Chairperson or Judicial Member or Technical or Administrative Member in respect of whom a reference of conducting an inquiry has been made to the Judge of the High Court under sub-section (2), until the appropriate Government passes on order on receipt of the report of inquiry made by the Judge of the High Court on such reference.

(4) The appropriate Government may, by rules, regulate the procedure for inquiry referred to in sub-section (2).

(***)

Restrictions on Chairperson or Judicial Member or Technical or Administrative Member employment after cessation of office.

50. (1) The Chairperson or Judicial Member or Technical or Administrative Member, ceasing to hold office as such, shall not -

(a) accept any employment in, or connected with, the management or administration of, any person or organisation which has been associated with any work under this Act, from the date on which he ceases to hold office:

Provided that nothing contained in this clause shall apply to any employment under the appropriate Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company as defined under clause (45) of section 2 of the Companies Act, 2013, which is not a promoter as per the provisions of this Act;

(b) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the authority is a party and with respect to which the Chairperson or Judicial Member or Technical or Administrative Member had, before cessation of office, acted for or provided advice to, the authority;

(c) give advice to any person using information which was obtained in his capacity as the Chairperson or Judicial Member or Technical or Administrative Member and being unavailable to or not being able to be made available to the public;

(d) enter into a contract or service with, or accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such.

(2) The Chairperson or Judicial Member or Technical or Administrative Member shall not communicate or reveal to any person any matter which has been brought under his consideration or known to him while acting as such.

51. (1) The appropriate Government shall provide the Appellate Tribunal with such officers and employees as it may deem fit.

Officers and other employees or Appellate Tribunal.

(2) The officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence of its Chairperson.

(3) The salary and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Appellate Tribunal shall be such as may be prescribed.

52. If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or a Member of the Appellate Tribunal, the appropriate Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

Vacancies.

53. (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.

5 of 1908

Powers of Tribunal.

(2) Subject to the provisions of this Act, the Appellate Tribunal shall have power to regulate its own procedure.

(3) The Appellate Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.

1 of 1872

(4) The Appellate Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

5 of 1908

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) reviewing its decisions;
- (f) dismissing an application for default or directing it *ex parte*; and
- (g) any other matter which may be prescribed.

(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code, and the Appellate Tribunal shall be deemed to be civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860
2 of 1974

Administrative powers of Chairperson of Appellate Tribunal.

54. The Chairperson shall have powers of general superintendence and direction in the conduct of the affairs of Appellate Tribunal and he shall, in addition to presiding over the meetings of the Appellate Tribunal exercise and discharge such administrative powers and functions of the Appellate Tribunal as may be prescribed.

Vacancies etc. not to invalidate proceeding of Appellate Tribunal.

55. No act or proceeding of the Appellate Tribunal shall be invalid merely by reasons of -

(a) any vacancy in any defect in the constitution of, the Appellate Tribunal; or

(b) any defect in the appointment of a person acting as a Member of the Appellate Tribunal; or

(c) any irregularity in the procedure of the Appellate Tribunal not affecting the merits of the case.

Right to legal representation.

56. The applicant or appellant may either appear in person or authorise one or more chartered accountants or company secretaries or cost accountants or legal practitioners or any of its officers to present his or its case before the Appellate Tribunal or the Regulatory Authority or the adjudicating officer, as the case may be.

Explanation. - For the purposes of this section,-

(a) "chartered accountant" means a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 or any other law for the time being in force and who has obtained a certificate of practice under sub-section (1) of section 6 of that act; 38 of 1949

(b) "company secretary" means a company secretary as defined in clause (c) of sub-section (1) of section 2 of the Company Secretaries Act, 1980 or any other law for the time being in force and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act; 56 of 1980

(c) "Cost accountant" means a cost accountant as defined in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountant Act, 1959 or any other law for the time being in force and who has obtained a certificate of practice under sub-section (1) of section (6) of that Act; 23 of 1959

(d) "legal practitioner" means an advocate, vakil or any attorney of any High Court, and includes a pleader in practice.

Orders passed by Appellate Tribunal to be executable as a decree.

57. (1) Every order made by the Appellate Tribunal under (***) this Act shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

Appeal to High Court.

58. (1) Any person aggrieved by any decision or order of the Appellate Tribunal, may, file an appeal to the High Court, within a period of (***) sixty days from the date of communication of the decision or order of the Appellate Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908: 5 of 1908

Provided that the High Court may entertain the appeal after the expiry of the said period of (***) sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

*Explanation:—*The expression "High Court" means the High Court of a State or Union territory where the real estate project is situated.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.

CHAPTER VIII

OFFENCES, PENALTIES AND ADJUDICATION

59. (1) If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend upto ten per cent. of the estimated cost of the real estate project as determined by the Authority.

Punishment for non-registration under section 3.

(2) If any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provisions of section 3, he shall be punishable with imprisonment for a term which may extend upto three years or with fine which may extend upto a further ten per cent. of the estimated cost of the real estate project, or with both.

60. If any promoter (***) provides false information or contravenes the provisions of section 4, he shall be liable to a penalty which may extend upto five per cent. of the estimated cost of the real estate project, as determined by the Authority.

Penalty for contravention of section 4.

61. If any promoter contravenes any other provisions of this Act, other than that provided under section 3 or section 4, or the rules or regulations made thereunder, he shall be liable to a penalty which may extend upto five per cent. of the estimated cost of the real estate project as determined by the Authority.

Penalty for contravention of other provisions of this Act.

62. If any real estate agent (***) fails to comply with or contravenes the provisions of section 9 or section 10, he shall be liable to a penalty of ten thousand rupees for every day during which such default continues, which may cumulatively extend upto five per cent. of the cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated as determined by the Authority.

Penalty for non-registration and contravention under sections 9 and 10.

63. If any promoter, who (***) fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend upto five per cent., of the estimated cost of the real estate project as determined by the Authority.

Penalty for (***) failure to comply with orders of Authority by promoter.

64. If any promoter, who (***) fails to comply with, or contravenes any of the orders decisions or directions of the Appellate Tribunal, he shall be (***) punishable with imprisonment for a term which may extend upto three years or with fine for every day during which such default continues, which may cumulatively extend upto ten per cent. of the estimated cost of the real estate project, or with both (***) .

Penalty for (***) failure to comply with orders of Appellate Tribunal by promoters.

65. If any real estate agent, who fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend upto five per cent., of the estimated cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated and as determined by the Authority.

Penalty for failure to comply with orders of Authority by real estate agent.

66. If any real estate agent, who fails to comply with, or contravenes any of the orders, decisions or directions of the Appellate Tribunal, he shall be punishable with imprisonment for a term which may extend upto one year or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the estimated cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated, or with both.

Penalty for failure to comply with orders of Appellate Tribunal by real estate agent.

67. If any allottee, who (***) fails to comply with, or contravenes any of the orders, decisions or directions of the Authority he shall be liable to a penalty for the period during which such default continues, which may cumulatively extend up to five per cent. of the plot, apartment or building cost, as the case may be, as determined by the Authority.

Penalty for (***) failure to comply with order of Authority by allottee.

Penalty for
(***) failure to
comply with
order of
Appellate
Tribunal by
allottee.

68. If any allottee, who (***) fails to comply with, or contravenes any of the orders, or directions of the Appellate Tribunal, as the case may be, he shall be (***) punishable with imprisonment for a term which may extend upto one year or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the plot, apartment or building cost, as the case may be, or with both (***) .

Offences by
companies .

69. (1) Where an offence under this Act has been committed by a company, every person who, as the time, the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against the punished accordingly:

Provided that nothing contained in this sub-section, shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against any punished accordingly.

Explanation.—For the purpose of this Section,—

- (a) "company" means any body corporate and includes a firm, or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

Compounding of
offences.

70. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (***) if any person is punished with imprisonment under (***) this Act, the punishment may, 2 of 1974. either before or after the institution of the prosecution, be compounded by the court on such terms and conditions and on payment of such sums as may be prescribed:

Provided that the sum prescribed shall not, in any case, exceed the maximum amount of the fine which may be imposed for the offence so compounded.

Power to
adjudicate.

71. (1) For the purpose of adjudging compensation under section 12, 14, 18 and section 19, the Authority shall appoint, in consultation with the appropriate Government, one or more judicial (***) officer (***) as deemed necessary, who is or has been a District Judge to be an adjudicating officer for holding an inquiry in the prescribed manner, after giving any person concerned a reasonable opportunity of being heard:

Provided that any person whose complaint in respect of matters covered under sections 12, 14, 18 and section 19 is pending before the Consumer Disputes Redressal Forum or the Consumer Disputes Redressal Commission or the National Consumer Redressal Commission, established under section 9 of the Consumer Protection Act, 1986, on or before the commencement of this Act he may, with the permission of such Forum or Commission, as the case may be, withdraw the complaint pending before it and file an application before the adjudicating officer under this Act.

(2) The application for adjudging compensation under sub-section (1), shall be dealt with by the adjudicating officer as expeditiously as possible and dispose of the same within a period of (***) sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of (***) sixty days, the adjudicating officer shall record his reasons in writing for not disposing of the application within that period.

(3) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the sections specified in sub-section (1), he may direct to pay such compensation or interest, as the case may be, as he thinks fit in accordance with the provisions of any of those sections.

72. While adjudging the quantum of compensation or interest, as the case may be, under section 71, the adjudicating officer shall have due regard to the following factors, namely:—

Factors to be taken into account by the adjudicating officer.

- (a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;
- (b) the amount of loss caused as a result of the default;
- (c) the repetitive nature of the default;
- (d) such other factors which the adjudicating officer considers necessary to the case in furtherance of justice.

CHAPTER IX

FINANCE, ACCOUNTS, AUDITS AND REPORTS

73. The Central Government may, after due appropriation made by Parliament in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

Grants and loans by Central Government.

74. The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the Authority, grants and loans of such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

Grants and loans by State Government.

75. (1) The appropriate Government shall constitute a fund to be called the 'Real Estate Regulatory Fund' and there shall be credited thereto—

Constitution of Fund.

- (a) all Government grants received by the Authority;
- (b) the fees received under this Act;
- (c) the interest accrued on the amounts referred to in clause (a) to (b).

(2) The Fund shall be applied for meeting—

- (a) the salaries and allowances payable to the Chairperson and other Members, the adjudicating officer and the administrative expenses including the salaries and allowances payable to the officers and other employees of the Authority and the Appellate Tribunal;
- (b) the other expenses of the Authority in connection with the discharge of its functions and for the purposes of this Act.

(3) The Fund shall be administered by a committee of such Members of the Authority as may be determined by the Chairperson.

(4) The committee appointed under sub-section (3) shall spend monies out of the Fund for carrying out the objects for which the Fund has been constituted.

76. (1) All sums realised, by way of penalties, imposed by the Appellate Tribunal or the Authority, in the Union territories, shall be credited to the Consolidated Fund of India.

Crediting sums realised by way of penalties to Consolidated Fund of India or State account.

(2) All sums realised, by way of penalties, imposed by the Appellate Tribunal or the Authority, in a State, shall be credited to such account as the State Government may specify.

Budget, accounts
and audit.

77. (1) The Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the appropriate Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand and production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the appropriate Government by the Authority and the appropriate Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament or, as the case may be, before the State Legislature or the Union territory Legislature, where it consists of two Houses, or where such legislature consists of one House, before that House.

Annual report.

78. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the appropriate Government,—

- (a) a description of all the activities of the Authority for the previous year;
- (b) the annual accounts for the previous year; and
- (c) the programmes of work for the coming year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament or, as the case may be, before the State Legislature or the Union Territory Legislature, where it consists of two Houses, or where such legislature consists of one House, before that House.

CHAPTER X

MISCELLANEOUS

Bar of
Jurisdiction.

79. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the adjudicating officer or the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Cognizance of
offences.

80. (1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder save on a complaint in writing made by the Authority or by any officer of the Authority duly authorised by it for this purpose.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Delegation.

81. The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to make regulations under section 85) as it may deem necessary.

82. (1) If, at any time, the appropriate Government is of the opinion,—

- (a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (b) that the Authority has persistently defaulted in complying with any direction given by the appropriate Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or
- (c) that circumstances exist which render it necessary in the public interest so to do;

the appropriate Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President or the Governor, as the case may be, may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the appropriate Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the appropriate Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the appropriate Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The appropriate Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament or, as the case may be, before the State Legislature, or the Union Territory Legislature, as the case may be, where it consists of two Houses, or where such legislature consists of one House, before that House.

83. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, as the appropriate Government may give in writing to it from time to time;

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) If any dispute arises between the appropriate Government and the Authority as to whether a question is or is not a question of policy, the decision of the appropriate Government thereon shall be final.

Power of appropriate Government to supersede Authority.

Power of appropriate Government to issue directions to Authority and obtain reports and returns.

(3) The Authority shall furnish to the appropriate Government such return or other information with respect to its activities as the appropriate Government may, from time to time, require.

Power of
appropriate
Government to
make rules.

84. (1) The appropriate Government (***) shall, within a period of six months of the commencement of this Act, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) Information and documents for application to Authority for registration under clause (m) of sub-section (2) of section 4;

(***)

- (b) the form and manner of making application and fee and documents to be accompanied with such application as under sub-section (2) of section 9;
- (c) the period, manner and conditions under which the registration is to be granted under sub-section (3) of section 9;
- (d) the validity of the period of registration and the manner and fee for renewal under sub-section (6) of section 9;
- (e) the maintenance and preservation of books of accounts, records and documents under clause (b) of section 10;
- (f) the discharge of other functions by the real estate agent under clause (e) of section 10;
- (g) the rate of interest payable under section 12;
- (h) the form and particulars of agreement for sale under sub-section (2) of section 13;
- (i) the rate of interest payable under clause (b) of sub-section (1) of section 18;
- (j) the rate of interest payable under sub-section (4) of section 19;
- (k) the rate of interest payable under sub-section (7) of section 19;
- (l) the (***) manner of selection Chairperson and Members of Authority (***) under section 22;
- (m) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and ther Memebtrs of the Authority under sub-section (1) of section 24;
- (n) the administrative powers of the Chairperson under section 25;
- (o) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Authority under sub-section (2) of section 28;
- (p) the details to be published on the website as under clause (b) and under clause (d) of section 34;
- (q) the additional functions which may be performed by the Authority under clause (iv) of sub-section (2) of section 35;
- (r) the manner of recovery of interest, penalty and compensation under sub section (1) of section 40;
- (s) the manner of implementation of the order, direction or decisions of the adjudicating officer, the Authority or the Appellate Tribunal under sub-section (2) of section 40;

- (t) recommendations received from the Central Advisory Council under sub-section (2) of section 42;
- (u) the form and manner and fee for filling of appeal under sub-section (2) of section 44;
- (v) the (***) manner of selection of Members of the Tribunal (***) under sub-section (3) of section 46;
- (w) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members of the Appellate Tribunal under sub-section (1) of section 48;
- (x) the procedure for inquiry of the charges against the Chairperson or Judicial Member of the Tribunal under sub-section (4) of section 49.
- (y) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Appellate Tribunal under sub-section (3) of section 51;
- (z) any other powers of the Tribunal under clause (h) of sub-section (4) of section 53;
- (za) the powers of the Chairperson of the Appellate Tribunal section 54;
- (zb) the terms and conditions and the payment of such sum for compounding of the offences under section 70;
- (zc) the manner of inquiry under sub-section (1) of section 71;
- (zd) the form to be specified in which the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts under sub-section (1) of section 77;
- (ze) the form in which and time at which the Authority shall prepare an annual report under sub-section (1) of section 78;
- (zf) any other matter which is to be, or may be prescribed, or in respect of which provision is to be made, by rules.

85. (1) The Authority (***) shall, within a period of three months of its establishment, by notification, make regulations, (***) consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the form and manner of making application and fee payable herewith under sub-section (1) of section 4;
- (b) the form of application and the fees for extension of registrations under section 6;
- (c) such other information and documents required under clause (f) of sub-section (1) of section 11;
- (d) display of sanctioned plans, (***) layout plans along with specifications, approved by the competent authority, for display under clause (a) of sub-section (3) of section 11;
- (e) preparation and maintenance of other details under sub-section (6) of section 11;
- (f) time, places and procedure in regard to transaction of business at the meetings of the Authority under sub-section (1) of section 29;

- (g) the form, manner and fees for filing complaint under sub-section (2) of section 31;
- (h) standard fees to be levied (***) on the promoter (***), the allottees or (***) the real estate agent under clause (e) of section 34;
- (i) any other matter which is required to be, or may be, specified by regulation or in respect of which provision is to be made by regulations.

Laying of rules.

86. (1) Every rule made by the Central Government, every regulation made by the Authority under the Union territory of Delhi and the Union territories without Legislature and every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or in the notification, as the case may be, or both Houses agree that the rule or regulation or the notification should not be made, the rule or regulation or notification as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification, as the case may be.

(2) Every rule made by a State Government or the Union Territory Government, as the case may be, every regulation made by the Authority under the State Government or the Union territory Government of Puducherry, as the case may be, and every notification issued by the state Government or the Union territory Government of Puducherry, as the case may be, under this Act shall be laid as soon as may be, after it is made, before the State Legislature, or the Union territory Legislature, as the case may be, where it consists of two Houses, or where such legislature consists of one House, before that House.

Members, etc. to be public servants.

87. The Chairperson, Members and other officers and employees of the Authority, and the Appellate Tribunal and the adjudicating officer shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860

Application of other laws of other laws not barred.

88. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Act to have overriding effect.

89. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force. (***)

Protection of action taken in good faith.

90. No suit, prosecution or other legal proceedings shall lie against the appropriate Government or the Authority or any officer of the appropriate Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Power to remove difficulties.

91. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty;

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal Maharashtra Act No. II of 2014.

92. The Maharashtra Housing (Regulation and Development) Act, 2012 is hereby repealed.

*Annexure I***LIST OF STAKEHOLDERS—REALESTATE (REGULATION AND DEVELOPMENT)****BILL, 2013****KOLKATA****8th June 2015 — 10.00 AM — 11.15 AM****Consumer Associations & Resident Welfare Associations**

Sl. No.	Name	Organisation
1.	Shri Anurag Jain	Bengal Uniworld City (Buyer)
2.	Shri Anjan Majumdar	KWIC (Buyer)
3.	Shri Indrajit Chatterjee	UNITECH (Buyer)
4.	Shri Abdul Rashed	KOLKATA WEST
5.	Shri Narender Shaw	KOLKATA WEST
6.	Shri Sachin Kumar Bhalotia	Anand Dhara-Homebuyers Group
7.	Shri Sandeep Khosla	Uniteck Gateway
8.	Shri Kamal Kumar	Uniteck Gateway
9.	Shri Sukanya Hoon	Teenkanya Group
10.	Shri Anup Kumar Mukherjee	Teenkanya Group
11.	Shri Ronjon Kumar Ghosh	Teenkanya
12.	Shri Sujit Jalan	Anandhana
13.	Shri O.P. Banm	Kolkata West Buyer Welfare Association
14.	Shri B. Nendi	FCAWB
15.	Shri Abhay Upadhyay	Kolkata West Intercity Buyer Welfare Association
16.	Shri Jaswant Singh	Kwic Height
17.	Shri Abinash Mohanty	NAREDCO
18.	Ms. Mala Banerjee	FCAWB
19.	Shri Jasbir Gill—(Ver.)	KWIC
20.	Shri Dinesh Agarwal	-do-
21.	Ms. Mahima Baura	UNITECH
22.	Shri Kamlesh Agarwal	Bengal Shelter Anandhara
23.	Shri Pradeep Kumar Dutta	Hon. Secy., FCA
24.	Ms. Tanushree Chatterjee	Manager, Public Relation.

**LIST OF STAKEHOLDERS—REAL ESTATE (REGULATION AND DEVELOPMENT)
BILL, 2013**

**REPRESENTATIVES OF FINANCIAL INSTITUTIONS, PUBLIC/PRIVATE
SECTOR BANKS**

KOLKATA

(8th June 2015) (11.15 AM — 12.30 PM)

Sl. No.	Name	Organisation
1.	Mr. P. Srinivas MD & CEO	United Bank of India
2.	Mr. Manas Dhar GM & SLBC Convenor, West Bengal	United Bank of India
3.	Mr. Sankar Gope DGM	SBI Guwahati
4.	Shri M.A. Sahu G.M.	SBI Guwahati
5.	Shri I. Sashi Pungener DGM (Outreach)	SBI Guwahati
6.	Shri Rakesh Sethi CMD	Allahabad Bank
7.	Shri K.K. Kansal GM (Rec. & Law)	Allahabad Bank
8.	Shri C. Sahay, Dy. G.M. (Law)	Allahabad Bank
9.	Shri B. Shiv Kumar Chief Manager (Law)	Allahabad Bank
10.	Shri B.C. Boman	SBI Imphal
11.	Mr. Arun Kaul CMD	UCO Bank
12.	Mr. J.K. Garg, ED	UCO Bank
13.	Shri A.K. Mishra, GM	UCO Bank
14.	Mr. D.P. Panda, DGM	UCO Bank
15.	Shri Abhijit Dutta GM	SBI
16.	Shri Harsh Chopra Asstt. Gen Manager	PNB Patna
17.	Shri Soumen Gauh	SBI
18.	Ms. Sabyasachi Basu	ICICI Bank
19.	Shri Ashish Malani	ICICI Bank
20.	Shri Kamlesh Agarwal	Anadhera Buyer Group
21.	Shri I.M. Malik	SLBC, Jharkhand
22.	Shri M.K. Gupta —(Ver.)	SLBC, Jharkhand
23.	Shri D.D. Pathak	Allahabad Bank
24.	Shri B.K. Patnaik	Allahabad Bank
25.	Shri I.M. Malick, Gen. Manager	BOI, SLBC, Jharkhand
26.	Smt. Sunanda Basu, GM (Housing)	SLBC, United Bank of India, West Bengal

LIST OF STAKEHOLDER-REAL ESTATE (REGULATION AND DEVELOPMENT)**BILL, 2013****REAL ESTATE DEVELOPERS, PROPERTY DEALERS, BUILDERS/ASSOCIATIONS****KOLKATA****(8th June 2015) (12.30PM)**

Sl. No.	Name	Organisation
1.	Shri Narendra Kumar	CREDAI
2.	Shri Sangram Kumar Pandey	NAREDCO, Odisha
3.	Shri Abhinash Mohanty	Amrapali Group
4.	Shri D.N. Singh	Builder Sarvoday Const.
5.	Shri Arun Kumar Sanchet, Director	Builder PS Group (Credai Bengal Mumbai)
6.	Shri Rajib Roy, Deputy Director	CII
7.	Shri Pabita Routray	Krishna Group
8.	Shri Saugata Maitra	JIL
9.	Shri Sushil Mehta	CREDAI Bengal
10.	Shri Harsh Patodia	CREDAI Bengal
11.	Shri Prajata Chakrabutti	CREDAI Bengal
12.	Ms. Gargi Mitra, Director (Ver.)	CII, West Bengal
13.	Shri Rajiv Roy, Dy. Director	-Do-
14.	Shri Saugata Maitra, Member	-do-
15.	Ms. Mousumi Ghose, FICCI,	West Bengal State Council
16.	Shri Rana Gupta, Vice President	Shapoorji Pallonji
17.	Shri Kumud Jha, President	CREDAI, Jharkhand
18.	Shri Chandrakant Roypat, Ex Chairman	CREDAI, Jharkhand
19.	Shri Vijay Kumar Agarwal, Vice President	CREDAI, Jharkhand
20.	Shri Deepak Kumar Agarwal, Secy.	CREDAI, Jharkhand
21.	Shri Vikash Singh, Ex-Chairman	Federation of Commerce and Industry, Jharkhand
22.	Shri Rajesh Kr. Mishra	Builders Association
23.	Shri Sangram Kesari Paikray, Joint Secretary	Gadachandi Construction
24.	Shri Pabitra Routray	Krishna Group of Companies
25.	Shri Ashis Garg	Trimula Infrastructure & Developers Pvt. Ltd.
26.	Shri Kamal S. Aggarwal	PGL Project Ltd.
27.	Shri Abinash Mohanty	Amrapalli Group

LIST OF STAKEHOLDER-REAL ESTATE (REGULATION AND DEVELOPMENT)**BILL 2013****REAL ESTATE CONSULTING AGENCIES, LAW FIRMS, NGO'S (DEALING IN REAL ESTATE), OTHER STAKEHOLDERS****KOLKATA****(9th June 2015) (12.00 NOON)**

Sl. No.	Name	Organisation
1.	Shri Mukul Gogoi, Director	Transbig Associates Pvt.Ltd, Guwahati, Assam
2.	Shri Arijit Majumdar	SM. Wealth Adison (P) Ltd.
3.	Shri Prasanta Bagchi	Singhanian & CO.
4.	Shri Subhasri Nandy	Singhanian & Co.
5.	Shri Kumud Kr Jha	CREDAI, Jharkhand
6.	Shri Gautam Baruwa Architect/ CEO	Gautam Baruwa & Associate
7.	Ranajit Mazumdar Dir	SM Wealth Advisor (P) Ltd.
8.	Shri Kaustav Chunder	Fox & Mandal
9.	Shri Sumit Dhar	Fox & Mandal
10.	Sekha Kanti Das, Advocate	Singhanian & Co.
11.	Shri Amit Kurm. Nag, Advocate & Legal Head	Meharia & Company
12.	Shri Kusum Dadoo	Kailash Collb.
13.	Shri Gaurav Dasgupta	Kailash Collb.
14.	Shri Saptarshi Dutta (Ver.)	
15.	Shri Anirudha Roy Chyowdhury, Partner	Oni Consultancies & Management Services Pvt. Ltd.
16.	Shri Amit Mohan Meharia, Managing Partner	MGO Legals LLP, Meharia & Co. Solicitors & Advocates.

LIST OF STAKEHOLDERS-REAL ESTATE (REGULATION AND DEVELOPMENT)**BILL, 2013****MEETING WITH FOLLOWING REPRESENTATIVE OF GOVERNMENT OF WEST BENGAL, BIHAR ODISHA, DHARKHAND AND NORTHEASTERN STATES:****CHIEF/PRINCIPAL SECRETARIES & (II) OFFICIAL OF DEPT OF URBAN DEVELOPMENT/HOUSING, LAW ENVIRONMENT AND COOPERATIVE****KOLKATA****(9th June 2015) (10.00 A.M. to 12.00 NOON)**

Sl. No.	Name	Organisation
1.	Shri R.T. Jindal, IAS Addl. Chief Secretary	Govt. of Assam
2.	Shri Anandarup Bandyopadhyay	NKID
3.	Shri Ken Kreditsu, Dir, UD,	Urban Development Nagaland
4.	Shri Taachu Fithu, Asst. Dir.,	Urban Dev. Dept, Nagaland
5.	Shri Rajesh Mishra	CREDAI
6.	Shri Imjung M. Panges Secretary, UD	Govt of Nagaland
7.	Shri Rakumar Dinesh, Secretary (Urban Dev)	Govt. of Manipur
8.	Dr. C. Vanlatramsanga Secretary (UDTDA)	Govt. of Mizoram
	Shri G. Bradham Secy, Housing Dev. Board	Govt. of Sikkim
9.	Shri Shashi Ranjan Pal Sec	Jharkhand Govt.
10.	Shri Chandan Singh	Govt. of West Bengal
	Principal Secretary, Forest & Environment	
11.	Ms. Anjali Goswami, Director	Town & Country Planning, Assam
12.	Shri Delloaraj Kalta,	Guwahati Metropolitan
	Town Planner, GMDA	Development Authority
13.	Shri Gajakand Rao,	Urban Development, Deptt, Govt. of
	Town Planner	Jharkhand, Ranchi
14.	Shri G.T. Bhutia, Secretary	Urban Dev. Housing Deptt, Govt. of
		Sikkim
15.	Shri D. Sen Pr. Sey UD, WB	Govt. of West Bengal
16.	Shri P. Sonawal, IAS Secy UDD & GDD	Govt of Assam
17.	Shri D. Bezbarhab,	Govt of Assam
	Deputy Director, Town & Country	
	Planning	
18.	Shri Kumar Sarwa Nand	Govt. of Bihar
	ATP Town & Country Planning	
19.	Shri Uttam Kumar Pahari, Senior Law Officer	Law Deptt. Govt. of West Bengal
20.	Shri K.D. Choudhry, Special Secretary	VDD, Govt. of Tripura
21.	Shri Dinbar Gurang	Urban Dev. & Hsg. Deptt. Govt. of
		Sikkim
22.	Shri Santam Das, Jt. Secretary	Housing Deptt., West Bengal
23.	Shri Donald P. Wahlang, Commr. & Secretary	Urban Deptt, Govt. of Meghalaya
24.	Smt. Madhumati Mitra, Secy., Law Deptt	Law Deptt. Govt of West Bengal
25.	Shri Subrata Biswas Pr. Secretary Housing	GOWB
26.	Shri Ajay Kumar Singh, Secretary	UD Deptt., Govt. of Jharkhand
27.	Smt. Januki, Pradhan Secy.,	SHDB, Govt. of Sikkim
28.	Dr. Aariz Aftab, Principal Secy.	Co-operation Deptt., Govt. of West Bengal.

LIST OF STAKEHOLDERS-REAL ESTATE (REGULATION AND DEVELOPMENT)**BILL, 2013****BENGALURU****10th June 2015-10.00 AM****CONSUMER ASSOCIATION, RESIDENT WELFARE ASSOCIATIONS**

Sl. No.	Name	Organisation
1.	SQN. Ldr. C.S.Chandramouli	Jalavayu Vihar, AOA
2.	Shri Avm. N. Thusu	Jalavayu Vihar, AOA
3.	Shri M. Ramanatha Iyer	Brigade Gateway, AOA
4.	Shri S.M. Balasubramaniyan	Raheja Park Apartment Owner Welfare Association
5.	Shri K. Arun Kumar	BAF
6.	Shri Vishwanathan Rao	Banglore Arts
7.	Shri S. Venkata Krishna	Bengaluru Apartment Federation
8.	Shri S. Ramani	Trurta, Cai Chennai
9.	Shri M.R. Krishna	CAI
10.	Shri Ajit N. Naik	Sanskranti Residency
11.	Shri M.S. Shankar	Mahaveer Chalet, AOA
12.	Shri Kanan Kaidir Velu	BAF

LIST OF STAKEHOLDER-REALESTATE (REGULATION AND DEVELOPMENT)**BILL, 2013****BENGALURU****10th June 2015-11.15 AM****Representatives of Financial Institutions, Public/Private Sector Banks**

Sl. No.	Name	Organisation
1.	Shri R. Koteswaran, MD & CEO	Indian Overseas Bank
2.	Shri U. Ramesh Kumar, GM	Canara Bank
3.	Shri C.V. Venkatesh, GM	SBI
4.	Shri Rajagopalan, AGM	SBI, GOA
5.	Shri Krishna Das.K, AGM	Federal Bank, Bengaluru
6.	Shri S.K. Verma, GM	Canara Bank
7.	Shri B.G. Puri, GM	Syndicate Bank
8.	Shri S.S. Praharaj, GM	Syndicate Bank
9.	Shri P.S. Rawat, MD & CEO	Canara Bank
10.	Shri Harideesh Kumar, ED	Canara Bank
11.	Shri Rama Moorthy, GM	Canara Bank
12.	Shri Arun Srivastava, MD & Ceo	Syndicate Bank
13.	Shri R.S. Pandey, ED	Syndicate Bank
14.	Shri Preetam Lal, GM	Syndicate Bank
15.	Shri B.K. Pandit, GM	Syndicate Bank
16.	Smt. Radha Venkatakrishnan, GM	Indian Overseas Bank
17.	Shri S. Balachander, GM	Indian Overseas Bank
18.	Shri S. Harcharan, AGM	Indian Overseas Bank
19.	Shri S. Ravi, DGM	SBI

LIST OF STAKEHOLDERS-REAL ESTATE (REGULATION AND DEVELOPMENT)**BILL, 2013****BENGALURU****10th June 2015-12.30 PM****REAL ESTATE DEVELOPERS, PROPERTY DEALERS, BUILDERS/ASSOCIATIONS**

Sl. No.	Name	Organisation
1.	Shri K. Ravinder Reddy	Janapriya Engineers
2.	Shri M. Nassaiah	Shanta Sriram Construction
3.	Shri R. Chalapathi Rao	Naredco, Telangana
4.	Shri Sriram Chitturi	Standers Group
5.	Shri N. Naresh Survarna	Credai, Bengaluru
6.	Shri Suresh Hari	Credai, Bengaluru
7.	Shri Jagadeesh Babu	Credai, Karnataka
8.	Dr. John Britto	Credai, Goa
9.	Shri J.C. Sharma	Shobha Ltd.-Credai
10.	Shri Bala Krishna	Telangana Secretariat
11.	Shri K. Lakshmi Narasimha	Telangana Developers Association
12.	Shri Jaitirth Rao	Value and Budget HSG. SCPL
13.	Shri Raja Mani	
14.	Shri A. Balakrishnan	Credai, Bengaluru
15.	Shri Ramesh Befra	Credai, Tamil Nadu
16.	Shri Irfan Razack	Credai

LIST OF STAKEHOLDERS-REAL ESTATE (REGULATION AND DEVELOPMENT)**BILL, 2013****BENGALURU****11th June 2015-10.00 AM****REPRESENTATIVE OF GOVERNMENTS OF KARNATAKA, TAMIL NADU, ANDHRA PRADESH, KERALA AND GOA**

Sl. No.	Name	Organisation
1.	Shri K. Phamindra Reddy, Principal Secretary	Municipal Administration, Govt. of Tamil Nadu
2.	Shri T.K. Anil Kumar, Secretary	Urban Development, Karnataka
3.	Shri V. Yashvanth, Commissioner	KHB, Bengaluru
4.	Shri M.G. Gopal, Principal Secretary	Urban Development, Telangana, Hyderabad
5.	Dr. N.S. Channapora, Gowda, Registrar	Registrar of Co-ordinating Societies, Karnataka
6.	Shri R. Parik Vallavan, Additional Secretary	Housing Andhra Pradesh
7.	Shri B. Rajagopal, Chief Engineer	A.P.H.B., Andhra Pradesh
8.	Shri S.B. Honnur, Director	Town and Country Planning
9.	Shri A.V. Rangesh, Additional Director	Town and Country Planning
10.	Shri S.D. Meena, Principal Secretary	Housing Deptt., Govt. of Karnataka
11.	Shri M. Dana Kishore, Secretary	Housing, Govt. of Telangana

LIST OF STAKEHOLDERS-REAL ESTATE (REGULATION AND DEVELOPMENT)**BILL, 2013****BENGALURU****11th June 2015—12.00 Noon****REAL ESTATE CONSULTING AGENCIES, LAW FIRMS, NGO'S DEALING IN REAL ESTATE AND OTHER STAKEHOLDERS**

Sl. No.	Name	Organisation
1.	Shri Ventakesh Panchapagesan	IIM, Bengaluru
2.	Prof. Ashok R. Patil	National Law University (NLU)
3.	Shri Mangera Subin Sunder	NLSU
4.	P.R. Das Gupta	TERI, Bengaluru
5.	Shri Gautam Bhan	IHS
6.	Shri G. Ramesh	IIM, Bengaluru
7.	Shri N. P. Samy	KKNSS
8.	Shri Harish Narasappa	SAMVAD
9.	Ms. Jyoti Rego	ALMT, Legal
10.	Shri Venkatesh Murthy	ALMT, Legal
11.	Ms. Mrinmaya	Alternative Law Firm
12.	Shri Nagesh	
13.	Shri Mithun Geranalu	

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES-MUMBAI****26th June 2015-10.00 AM****CONSUMER ASSOCIATIONS & RESIDENT WELFARE ASSOCIATIONS**

Sl. No.	Name	Organisation
1.	Shri R.C. Thakur, Secretary	Adarsh Co-op Hsg Society Ltd.
2.	Shri Arun, Member	Adarsh Coop Hsg Society Ltd.
3.	Shri N.B. Chawda	N.B. Chawda & Co.
4.	Shri Rajesh Mehta	Raha Reality P. Ltd.
5.	Shri Madhukar Singhania Committee Member	New Sarnath Co op Housing Society Ltd.
6.	Dr. Jairaj Phatak Retd. IAS officer	Advisor to Adarsh CHS
7.	Maj Gen T K Ktuch	Adarsh CHS
8.	Brig TK Sinha, President	Adarsh coop Hsg Society Ltd.
9.	Cdr S H Kalawat, Secertary	Kharghar co-operative Housing Societies Federation Ltd.
10.	Shri Uday Wavikar	President Disha Foundation C.C.C.A.A.V.P.
11.	Shri Ajay Mehta, Hon. Joint Secretary	Campa Cola Compound Residents Association
12.	Ms. Sunita Godbole Secretary,	Women Forum for Cooperative Housing Scoieties
13.	Shri Shirish V. Deshpande Chairman,	Mumbai Grahak Panchayat
14.	Shri Varsha Raut Head Advocacy & Campaign	Mumbai Grahak Panchayat
15.	Shri Sunil Godbole, Legal Advisor	Women Forum for Co-op. Housing Society
16.	Ms. Rajya Lakshmi Rao	CERC, Ahmedabad
17.	Shri Issar Hinduja	Panchsheel Co. Op. Hsg.Soc. Ltd.
18.	Shri Laxmidas Thakkar Vice President	Sahakar Bharati
19.	Shri Girija Balakrishnan	Hiland Park Residents Welfare Association
20.	Mrs. Chhaya, Arun, Chairman	Ajgaonkar Nerurkar-Federation
21.	Adv. Rajlakshmi Pujary	Maharashtra Soc. Welfare Association
22.	Shri Ramesh Pradhu	Maharashtra Socieities Welfare Association
23.	Shri Vinod C. Sampat	CSRUWA
24.	Shri Dharmin Sampat	Stamp Duty Registration
25.	Shri Mithil Vinas Sampat	Co. Op. Societies
26.	Shri Hitesh Rajpurohit	Solicis Lex

Sl. No.	Name	Organisation
27.	Shri Ameet Mehta	Secetary-Co-operative Societies Residents Users & Welfare Association
28.	Shri Arun Sarbadhikery	Bandra Band Stand
29.	Ar.Sanjay Porwal, President	Voice for Change & Empowerment
30.	Ad. Bharati V. Jain	Resid. Pre & Stamp duty Welfare Association
31.	Adv. S.Q. Bhusule	Mira Bhayankar Housing Federation
32.	Shri Vijay Patil Chairman	Mira Bhayandar Cooperative Housing Federation Ltd.
33.	Shri Abhishek Ghosalkar, President,	Disha Foundation, an NGO

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES-MUMBAI****26th June 2015-11.00 AM****REPRESENTATIVES OF RBI, FINANCIAL INSTITUTIONS, PUBLIC/PRIVATE
SECTOR BANKS**

Sl. No.	Name of the Organisation & Address	Persons to Attend the Session
1.	Shri Rajiv Sabharwal, CEO Shri Anup Saha, CGMJ	ICICI Bank
2.	Shri Suresh Memon, MEM Shri Sudhir Jha, Sr. G.M.	HDFC Limited
3.	Shri B.K. Batra, DMD Shri Melwyn Rego, DMD Shri M.V. Phadke, CGM	IDBI Bank Ltd.
4.	Shri Sudil Muhot, CMD Shri R.K. Gupta, Ed Shri V.R. Naik, GM	
5.	Shri Pradeep A Sawant, EVP & Head	DHFL
6.	Shri P.J. Kumar	Central Bank of India
7.	Mrs. Manju Agarwal	SBI
8.	Mrs. Lakshmi Jayanti	SBI
9.	Shri V. Jayaraman Convener, SLBC, Chattisgarh GM,	SBI
10.	Shri V.V. Shenoy	Union Bank of India
11.	Shri K. Bajaj	Union Bank of India
12.	Shri Rajeev Rishi, CMD	Central Bank
13.	Shri R.K. Goyal, ED	Central Bank
14.	Shri Rajan Dhawan, MD & CEO	Bank of Baroda
15.	Shri K.N. Manvi, General Manager	Bank of Baroda
16.	Shri R.A. Sankara Naryanan, ED	Bank of India
17.	Shri K.K. Arora, General Manager	Bank of India
18.	Shri Ashwani Kumar	Dena Bank
19.	Shri R.K. Takkar	Dena Bank
20.	Shri H.R. Khan, DG	RBI
21.	Ms Anupam Sonal, GM	RBI
22.	Shri Sanjay D. Palve	Yes Bank
23.	Shri Rumi Malik	Yes Bank
24.	Shri Unnikrishnan A.	RBI
25.	Shri Jaideep Mallaredoy	Axis Bank
26.	Shri Jairam Sridharan	Axis Bank

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES-MUMBAI****26th June 2015—12.30 PM****REAL ESTATE DEVELOPERS/ASSOCIATIONS & REAL ESTATE AGENTS/
ASSOCIATIONS**

Sl. No.	Name	Organisation
1.	Shri S. Hussain	Mah. Chamber of Housing Industry (MCHI)
2.	Shri Nikhil Dhawat President	CREDEAI Chhattisgarh
3.	Shri D.L. Desai	BAI
4.	Shri Prashant Sawde President	CREDAI Maharashtra
5.	Shri Jaybirh Kapad	Area Group President
6.	Mr. Shantilal Katria, Vice President	CREDAI, Maharashtra
7.	Mr. Zende, CEO & Vice President	MMADA
8.	Shri Anil Harish	NAREDCO
9.	Ameet Hariani	NAREDCO
10.	Shri Niranjana Hiranandani	NAREDCO
11.	Shri Sanjay Bhargava	Bombay-Homes
12.	Shri Advdhoot Rane	MEHI-CREDAI
13.	Shri Hitesh Thakur	NAREDCO
14.	Shri Kamlesh Thakur	NAREDCO
15.	Shri Abhijith Balan	NAREDCO
16.	Shri Mayur Shah, VP	MCH-CREDAI
17.	Shri Ravi Bhushan Trivedi	Mega Super

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES-MUMBAI****27th June 2015—12.00 Noon****MEETING WITH FOLLOWING REPRESENTATIVE OF GOVERNMENT OF
MAHARASHTRA, GUJARAT, CHATTISGAR, MAHARASHTRA AND
UNION TERRITORIES OF WESTERN REGION:****(I) CHIEF/PRINCIPAL SECRETARIES & (II) OFFICIALS OF DEPT OF URBAN
DEVELOPMENT/HOUSING, LAW ENVIRONMENT AND COOPERATIVE**

Sl. No.	Name	Organisation
1.	Shri P.L. Pathak, J.S. Shri P.P. Badgeri, U.S.	Housing Dept.
2.	Shri R.G. Bhagwat, J.S. Shri B.M. Gurao, DS Shri M.A. Sayed, PS	LAN Dept
3.	Shri Shri Kanti Singh, Principal Secretary	Pr. Secy (Hsg.)
4.	Shri S.S. Bajaj	Housing & Environment Raipur, CG
5.	Dr. B.N. Patil Director	Environment Dept. Mantralaya, Mumbai
6.	Shri S.K. Mudgal, DS	NW of Dev. of Env., Government of M.P.
7.	Shri Malay Shrivays, Principal Secretary	NW of Dev. & Env., M.P.
8.	Shri Nitish Vyas Comm.	MP HSG & Infrastructure Board, GOMP
9.	Shri B.N. Tripathi, Addl. Dir.	Bhopal M.P. Govt. of M.P.
10.	Shri Hitendra Mehta Consultant Architect & Urban Planner	Mehta and Associates, Indore
11.	Shri Jayant V. Wani, Section Officer	GOM Housing Deptt.
12.	Shri P.P. Parmar Deputy Secretary (UD)	Urban Development Deptt. Daman and Dadar Nagar Haveli

**LIST OF STAKHOLDERS-REALESTATE (REGULATION AND DEVELOPMENT)
BILL, 2013**

MUMBAI

27th June 2015—12.00 Noon

**REALESTATE CONSULTING AGENCIES, LAW FIRMS, NGOS (DEALING IN REAL
ESTATE), OTHER STAKEHOLDERS.**

Sl. No.	Name	Organisation
1.	Shri Wasiq Husain	CREDAI-Bhopal
2.	Shri Amodh K. Gupta	Architect-Bhopal
3.	Shri Vijay Mrichandoni	CREDAI National
4.	Shri Morel M. Thakkar	M.K. Juris
5.	Shri Ameet Mehta, M. Pacific	Solicis Lex
6.	Shri Hitech Rajprohit	Solicis Lex
7.	Shri Bianca Gomes	Solicis Lex
8.	Shri Pankaj Kapoor	Liases Forms
9.	Shri Ameet Hariani	Hariani Co.
10.	Shri Anshuman Jagtap	Hariani Co.
11.	Prof. Sebastin Morris	IIM Ahmedabad
12.	Shri Somdeep Dane Cyril Aderchen Meng.	
13.	Shri Tunil Tilokchandani Monilv Ghe	
14.	Shri N.B. Chawda	N.B.C. & Co.
15.	Shri Keyur Mehta	Raha Group
16.	Shri Anishek Prasad	Gijril Amarland Manjaldas
17.	Shri Krundal Godhia Gagnabs Adué	
18.	Shri Shailesh Vaidya	Kanga & Co.
19.	Shri Ramesh Nair	JLL
20.	Shri Uday Wavikar	Consumer Co-operative
21.	Shri Nikram Trivedi	Manilal Khar Arunbala & Co.
22.	Shri Kapil P. Shah, Partner	M.K. Jainis
23.	Shri Darril Dimonte, Shri David Cradxz.	Bandra (W), Resident, Assoc.
24.	Shri Omar Vanjae	Solmon & Co.
25.	Shri Urvashi Mehta	Manilal Kher Ambala & Co.
26.	Shri Gaurabh Gupta,	Solomen & Co.
27.	Shri Anshuman Jagtap	Hariani & Co.
28.	Shri Arup Sarbadhikar	Bandra Band Stand Residents Trust

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES-MUMBAI****29th June 2015—10.00 AM****CONSUMER ASSOCIATIONS, RESIDENT WELFARE ASSOCIATIONS**

Sl. No.	Name	Organisation
1.	Shri Amit Jain	Crare India

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES-SHIMLA****29th June 2015—11.00 AM****REAL ESTATE DEVELOPERS/ASSOCIATIONS AND REAL ESTATE
AGENTS/ASSOCIATIONS**

Sl. No.	Name	Organisation
1.	Shri Asim	REDCO
2.	Shri Aneesh	REDCO
3.	Shri Rohit Sharma	DLF
4.	Shri Rakesh Kerwell	DLF
5.	Ms. Ashma Marwarh	Property Tiger Property Advisors
6.	Shri Gaurav Mahajan	CII, Himachal Pradesh
7.	Shri Sanjay Madaan	FICCI
8.	Brig. H.P.S. Bedi	PHD Chamber of Commerce, Chandigarh
9.	Shri Dhian Chand	PHD Chamber of Commerce and Industry
10.	Shri Sandeep Sharma	PHD Chamber of Commerce, Himachal Pradesh

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES—SHIMLA****29th June 2015—12.30 PM****REAL ESTATE CONSULTING AGENCIES, LAW FIRMS, NGO'S, DEALING IN REAL ESTATE AND OTHER STAKEHOLDERS**

Sl. No.	Name	Organisation
1.	Mr. Sachin Sandhir	RICS International Ltd.
2.	Ms. Shweta Kataria	RICS International Ltd.
3.	Shri Rajesh Goel	Rajesh Goel and Co
4.	Shri Jatin Arora	Rajesh Goel and Co
5.	Shri Seemant Garg	Rajesh Goel and Co
6.	Shri Abhishek Barowalia	Barowalia Law Chamber
7.	Ms. Himanshi Agarwal	Barowalia Law Chamber
8.	Shri Surender Singh	Ferry Dhiman and Co.
9.	Shri Vinish Singla	VS Law Office
10.	Shri Shailendra Singh	KPMG India
11.	Shri Ferry Dhiman	Ferry Dhiman and Co.

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES—SHIMLA****30th June 2015—10.00 AM****REPRESENTATIVES OF GOVERNMENTS OF HIMACHAL PRADESH,
UTTARAKHAND, PUNJAB, HARYANA, J&K AND UT OF CHANDINGARH**

Sl. No.	Name	Organisation
1.	Ms. Manisha Nanda	Principal Secretary, TCP & Housing, HP
2.	Shri K.S. Dhaulta	Joint Secretary (Coop), HP
3.	Shri Sandeep Kumar	Director, TCP, HP
4.	Shri Ajay Kumar Lal	Director Dir Env, Sc. & Tech, HP
5.	Capt. J.M. Pattania	Director UD, HP
6.	Shri Bharat Kaith	Dy RCS (Con), HP
7.	Shri Rajendra Bhatt	DLC cum Dy Secy Law, HP
8.	Shri Satish Sharma, Er	Town & Country Planner, HP
	Shri Sundeep Shalma	State Town Planner, HP
9.	Shri Vivek Jyoti	Law Officer, HP
10.	Shri Harnek Singh Dhillon	Chief Town Planner, Punjab
11.	Shri M.S. Ahuja	Director, Town Planning, Punjab
	Shri Amrinder Singh Cheema	O/o Chief Town Planner, Punjab
12.	Shri Gautam Kumar	MTP, LG, Punjab
13.	Shri P. Raghavendra Rao	Additional Chief Secretary, Town & Country Planning and Housing Departments Haryana
14.	Shri Dilbag Singh Sihag	Chief Town Planner, Haryana
15.	Shri P.P. Singh	DTP (HQ) Town & Country Planning Haryana
16.	Shri R. Meenakshi Sundaram	Vice-Chairman, Mussoorie Dehradun Development Authority, Uttaranchal
17.	Shri D.S. Gabyal	Secretary, Housing Uttaranchal
18.	Shri S.K. Pant	Sr. Planner, Uttaranchal
	Shri Dinesh Kumar Kashyap	CEO HIMUDA
19.	Shri Umesh Kumar Sharma	SE HIMUDA

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES—SHIMLA****30th June 2015—12.00 Noon****FINANCIAL INSTITUTIONS, PUBLIC, PRIVATE SECTOR BANKS**

Sl. No.	Name	Organisation
1.	Shri Radhey Shyam Garg, MD	National Housing Bank
2.	Shri Lalit Kumar, GM	National Housing Bank
3.	Shri Aditya Sharma	National Housing Bank
4.	Shri Suresh N. Patel	Oriental Bank of Commerce
5.	Shri T.R. Lakhani, GM	Oriental Bank of Commerce
6.	Shri K.V. Brahmaji Rao, ED.	Punjab National Bank
7.	Shri P.K. Sharma, GM, HO	Punjab National Bank
8.	Shri G.S. Gandhok, DGM	Punjab National Bank
9.	Ms. Susy George	Punjab National Bank
10.	Shri Jyoti Ghosh, M.D.	State Bank of Bikaner & Jaipur
11.	Shri S. Venkitaraman, CGM	State Bank of Bikaner & Jaipur
12.	Shri Rajesh Kaushik	State Bank of Bikaner & Jaipur
13.	Shri S.A. Ramesh Rangan, M.D.	State Bank of Patiala
14.	Shri Kalyan Mukherjee, CGM	State Bank of Patiala
15.	Shri J.S. Jhandu, GM	State Bank of Patiala
16.	Shri Virender Gupta, GM.	Punjab & Sind Bank
17.	Shri A.K. Sinha, SLBC Convenor	UCO Bank
18.	Shri S.K. Sharma, SLBC Convenor	UCO Bank, HP
19.	Shri S.C. Chamali, SLBC Co-ordinator	Uttarakhand
20.	Shri Vijay Kumar Kohli, Under Secretary	DFS, Ministry of Finance

REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**LIST OF WITNESSES—DELHI****6th July, 2015—10.00 AM****CONSUMER ASSOCIATIONS, RESIDENT WELFARE ASSOCIATIONS OF NOIDA/
GREATER NOIDA**

Sl. No.	Name and Designation	Organization
1.	Shri Abhishek Kumar, President	Noida Extension Flat Owners Welfare Association
2.	Shri Indrish Gupta	Noida Extension Flat Owners Welfare Association
3.	Smt. Shweta Bharti	Noida Extension Flat Owners Welfare Association
4.	Shri P.S. Jain, President	Confederation of NCR Resident's Welfare Association
5.	Shri Chetan Sharma	Confederation of NCR Residents' Welfare Association
6.	Shri Rashesh Purohit	NRI Residency Welfare Association, Noida
7.	Shri Kapil Kumar	Pan Oasis, Noida, POORWA
8.	Shri Rahul Kumar, Advocate	NRI Residency Welfare Association, Noida
9.	Ms. Saloni Paroothi	RG Residency Buyers Association, Noida
10.	Shri Navneet Kumar Sarin, Advocate	Unitech Unihomes 3 Buyers Association, Noida
11.	Shri Sanjeev Priyadershi	Heartbeat City Welfare Association, Noida
12.	Shri Punit Parashar	Heartbeat City Welfare Association, Noida
13.	Shri Ashok Kaul	Gardenia Aims Flat Owners Association, Noida

6th July, 2015 at 11.00 AM**REAL ESTATE DEVELOPERS, PROPERTY DEALERS, BUILDERS/ASSOCIATIONS
OF NOIDA/GREATER NOIDA**

Sl. No.	Name and Designation	Organization
1.	Shri T.K. Peer	Mahagun Private Limited
2.	Ms. Ekta Nayyar	Mahagun Private Limited
3.	Ms. Sushma Chaudhary	Mahagun Private Limited

7th July, 2015 at 10.00 AM

**CONSUMER ASSOCIATIONS, RESIDENT WELFARE ASSOCIATIONS OF UTTAR
PRADESH, RAJASTHAN AND NCT OF DELHI**

Sl. No.	Name and Designation	Organization
1.	Shri Vipul Mudgal	DLF Gurgaon
2.	Shri Bejon Misra	Consumer Guidance Society of Jamshedpur (CGSJ)
3.	Shri Vikram Bishnoi	Unitech The Residences, Gurgaon
4.	Shri Akhilesh Dwivedi Gen. Secretary	New Town Heights RWA
5.	Shri Sudhir Vohra, Architect Activist	
6.	Shri Padam Mohan Misra, Secretary	Upbhokta Sanrakchhan & Kalia Samiti, U.P.
7.	Shri Abhishek Srivastava, Chairman	Consumer Guild, Lucknow
8.	Shri Kailash Sharma, General Secretary	Kachchi Basti Vikas Mahasangh, Jaipur
9.	Shri Sanjay Pandey	Parsvnath Regalia, Delhi
10.	Shri Aditya Jain	Parsvnath Regalia, Delhi
11.	Shri Alok Kumar	Federation of Association of Apartment Owners, Ghaziabad
12.	Ms. Pooja Srivastava,	Federation of Association of Apartment Owners, Ghaziabad
13.	Shri D.K. Mourya	Federation of Association of Apartment Owners, Ghaziabad
14.	Shri S.K. Pal	Federation of Association of Apartment Owners, Ghaziabad
15.	Ms. Pooja Srivastav	Federation of Association of Apartment Owners, Ghaziabad
16.	Shri Vijay Goel	Parsvnath Exotica, Ghaziabad
17.	Shri Sushant Pandey	Parsvnath Exotica, Ghaziabad
18.	Dr. Kumar Vaibhaw	Parsvnath Exotica, Ghaziabad
19.	Shri C. Ashok Vardhan	Gardenia Glamour Apartment Owners Association, Ghaziabad
20.	Shri Purnendu Kant	Gardenia Glamour Apartment Owners Association, Ghaziabad
21.	Shri Co. Tejendra Pal Tyagi, President	AOA Federation, Ghaziabad
22.	Shri Piyush Misra, Director	Consumer Online Foundation
23.	Shri Kamal Kant Jaiswal	Common Cause

7th July, 2015 at 11.00 AM

DEVELOPERS/AGENTS

Sl. No.	Name and Designation	Organization
1.	Shri Naveen Raheja, Chairman	NAREDCO
2.	Brig (Retd) R.R. Singh	NAREDCO
3.	Shri Anil Mithas Senior Member	ASSOCHEM
4.	Shri Anshuman Magazine	CII
5.	Dr. Manvendra Deswal	CII
6.	Dr. Ranjeet Mehta	PHD Chamber of Commerce and Industry, New Delhi
7.	Shri Atul Chordia CMD	Panchshil Realty
8.	Ms. Mousumi Roy, Sr. Director	Real Estate & Urban Development, FICCI, New Delhi
9.	Shri Akhilesh Kumar, CEO	CGEWHO
10.	Shri Zakir Bhati, President	Rajasthan Realtors Association (RRA), Rajasthan
11.	Shri Ravi C. Verma, Chairman	Rajasthan Realtors Association (RRA), Rajasthan
12.	Col. Kulvinder Singh, President	Association of Certified Realtors of India (ACRI)
13.	Mr. S.K. Mittal, President	Association of Certified Realtors of India (ACRI)
14.	Shri Ashok Patni, Vice Chairman	Rajasthan State Real Estate Development Council
15.	Managing Director	DLF Ltd. Gurgaon
16.	Shri Sanjay Gupta	M3M India Pvt. Ltd. Gurgaon, Haryana
17.	Shri Gagandeep Arora, MD	M3M India Pvt. Ltd. Gurgaon, Haryana
18.	Shri Ranjeev Kalia,	Ansal Buildwell Limited, New Delhi
19.	Shri Gaurav Mohan Puri, (Director Projects)	Ansal Buildwell Limited, New Delhi
20.	Shri Ravi Varma	Laxman National Association of Realtors India
21.	Shri Praveen Jain, CMD (Tulip Infratech)	NAREDCO
22.	Shri Ashok Agrawal, President	TODAR, Rajasthan
23.	Shri Nagendra Chaudhary, General Secretary	TODAR, Rajasthan
24.	Shri Sorav Gupta	NAREDCO
25.	Shri Satbir Singh Sawhney, Director	Gangandeep Properties (P) Ltd.
26.	Shri A.S. Ahluwalia Commaner (Rtd.)	Joe Prun Enterprises
27.	Shri Anil Kumar Gupta, President	CREDAI, Bhiwari
28.	Shri Ravi Varma, Chairman	National Association of Realtors India
29.	Shri Vinod Rohira CEO	K Raheja Corporation
30.	Shri Nitin Kumar Gupta	CREDAI Bhiwadi
31.	Shri Anil Kumar Gupta	CREDAI Bhiwadi

th July, 2015 at 12.00 Noon

**REPRESENTATIVES OF GOVERNMENT OF UTTAR PRADESH, RAJASTHAN AND
NCT OF DELHI:**

**(I) CHIEF/PRINCIPAL SECRETARIES & (II) OFFICIALS OF DEPARTMENTS OF
URBAN DEVELOPMENT/HOUSING, LAW AND COOPERATIVES**

Sl. No.	Name and Designation	Organization
1.	Shri Praveen Jain, Chief Town Planner	Deptt. of Urban Development, Housing and Local Self Govt., Government of Rajasthan
2.	Shri R.K. Vyayrasjia, Sr. Town Planner	RUIFDCO (JNNURM & RAY), Govt. of Rajasthan
3.	Shri R.K. Agarwal, Managing Director	RAVIL, Govt. of Rajasthan
4.	Shri Sadakant Shukla, Principal Secretary	Urban Development Govt. of Uttar Pradesh
5.	Shri Raman Raman, Chairman and CEO	Noida Development Authority and Greater Noida Development Authority
6.	Shri Ajay Kumar Mishra Chief Town Planner	Govt. of Uttar Pradesh
7.	Shri Chetan B. Sanghi, Principal Secretary	Urban Development, Govt. of Delhi
8.	Shri V.K. Jain, CEO	DUSIB, Govt. of Delhi
9.	Shri S.K. Mahajan, Superintendent Engineer	DUSIB, Govt. of Delhi
10.	Shri S.T. Puttaraju, Chief Town Planner	Urban Development, Goa
11.	Shri T. Ramanan, Chief Town Planner	Housing and Urban Development, Kerala
12.	Shri Ajit Mishra, Joint Secretary	Housing & Urban Development, Odisha
13.	Shri P.L. Sharma, Chief Town, Planner,	Urban Development & Housing, Gujarat
14.	Shri Sanjay Kumar, District Town Planner,	Town & Country Planning Deptt. Haryana Development Authority
15.	Shri Santosh Yadav	Chairman Ghaziabad Development Authority and CEO Yamuna Expressway Industrial Development Authority

*Annexure-II***SELECT COMMITTEE ON THE REAL ESTATE REGULATION AND DEVELOPMENT)
BILL, 2013****MEMORANDUM RECEIVED FROM VARIOUS ORGANISATIONS**

Sl. No.	Name	Organisation
1.	Major Sandeep Shah (Retd)	Miyamoto Design and Engineering Consultant Pvt. Ltd.
2.	Sh. Akhil Goel	Individual
3.	Sh. V. Arun Kumar Patro	-do-
4.	Sh. Chandra Shekhar	-do-
5.	Sh. Saty Narayan Prasad	-do-
6.	Sh. Sanjay Ahirwal	-do-
7.	Sh. Srikanth	-do-
8.	Dr. Jagannatha Raju	-do-
9.	Sh. Prateek	-do-
10.	Sh. Nirbhaya Kumar Shah	-do-
11.	Sh. Abhijit	-do-
12.	Sh. Sastry	-do-
13.	Ch. Vinaya Kumar Reddy and others	-do-
14.	Sh. Sanjeev Verma	-do-
15.	Sh. Sreedhar	-do-
16.	Sh. Prasanth. V	-do-
17.	Sh. P.S. Jayakumar	-do-
18.	Dr. M.D.V. Ramnath	-do-
19.	Sh. Alluru Raju	-do-
20.	Dr. D.K. Abhankar	Credai Maharashtra
21.	Dr. Kuldeep Raizada	Individual
22.	Sh. Subbiramaniyam M.	-do-
23.	Sh. Manovikas Anupoju	-do-
24.	Sh. Rajesh Babu	-do-
25.	Ms. Durga	OSI Consulting
26.	Sh. Michael Domnic Julius	Individual
27.	Sh. Satish	-do-
28.	Sh. Dinesh Pal Singh and others	-do-
29.	Dr. Sanjay Kumar Sen	-do-
30.	Sh. Nagendra Biyani	-do-

Sl. No.	Name	Organisation
31.	Sh. Roshan	-do-
32.	Mr. Navneet Kumar	-do-
33.	Sh. William R. Pinto	-do-
34.	Sh. Somit Baranwal	-do-
35.	Sh. Chandra Kishore Pandey	-do-
36.	Sh. Khasim Rafiuddin Lodge	-do-
37.	Sh. Srikanth Sandru	-do-
38.	Sh. Revor D'lima	-do-
39.	Sh. Kamal Mahotra and others	Action Committee Delhi DDA Markets Joint
40.	Sh. Sandeep Kumar Verma	Individual
41.	Sh. Ishwar Chand Jindal	-do-
42.	Sh. K.C. Rana	-do-
43.	Sh. Nitin Malhotra	-do-
44.	Sh. C.M. Katyal	-do-
45.	Sh. Samrat Ramesh	Individual
46.	Dr. Vijay Kumar Pandey	-do-
47.	Sh. Chandrakant	-do-
48.	Sh. Manvendra Singh	-do-
49.	Sh. Pallav Sharma	-do-
50.	Sh. R. Madhavan	-do-
51.	Sh. Santosh Kumar	Delhi e-Governance Society
52.	Sh. T.V. Govindan	Individual
53.	Sh. C.M. Katiyal	-do-
54.	Sh. Deshraj Bhatia	JIL Information Technology Ltd.
55.	Sh. B.S. Tripathi	Individual
56.	Col Som Prakash Sharma (Retd)	-do-
57.	Sh. Rupesh Kumar Shaw	-do-
58.	Sh. Amrik Singh Gill	-do-
59.	Sh. Rakesh Miglani	-do-
60.	Sh. Mani Sharma	-do-
61.	Sh. Biju Lakshmanan	-do-
62.	Sh. Abhay Kumar	Institute of Real Estate and Finance
63.	Sh. A.P. Verma	Individual
64.	Sh. Vindhyachal Paswan	-do-

Sl. No.	Name	Organisation
65.	Sh. Balwinder Singh and others	-do-
66.	Sh. Vijay Kumar Gupta	-do-
67.	Sh. Hemant Singh	-do-
68.	Sh. Deepak Rastogi	-do-
69.	Dr. Hari S. Misra	-do-
70.	Sh. Dheeraj Jain	-do-
71.	Sh. Ved Prakash Dwivedi	-do-
72.	Sh. Sumit K. Gupta	-do-
73.	Sh. Suresh	-do-
74.	Sh. K. Prabhakar Rao	-do-
75.	Sh. Sanjay Rastogi	-do-
76.	Sh. Kirit P. Budhbatti	Centre for Valuation Studies, Research & Training Association (CVSRTA)
77.	Sh. U.K. Mishra	Individual
78.	Sh. Uma Shankar	-do-
79.	Sh. Sandeep Kapatkar	-do-
80.	Sh. Sanjay Agarwal	-do-
81.	Ms. Sonali Mallya	-do-
82.	Dr. Ashita Sharma and others	-do-
83.	Sh. Nitin Malik	-do-
84.	Sh. D.K. Sinha	-do-
85.	Sh. Hamaira P Fazili and others	-do-
86.	Sh. Puneet Goyal	-do-
87.	Sh. Anand Singh	-do-
88.	Sh. K.B. Malhotra	-do-
89.	Sh. Neeraj Arora	-do-
90.	Ms. Shweta Bharti and others	Noida Extension Flat Owners Welfare Association (NEFOWA)
91.	Sh. Deepak Gupta	Individual
92.	Sh. Ved Prakash	-do-
93.	Sh. Ramesh Kumar Arora	-do-
94.	Sh. Vishal Kumar	-do-
95.	Sh. Bhupesh Devgun	-do-
96.	Sh. Vasu Sharma	-do-
97.	Sh. Shyam Singh	-do-
98.	Sh. Nagendra Kumar	-do-

Sl. No.	Name	Organisation
99.	Sh. Ajay Goyal	-do-
100.	Sh. Ritwik Vatsa	-do-
101.	Sh. Gaurav Agarwal	-do-
102.	Sh. H.K. Arora	-do-
103.	Sh. Shekhar Singh	-do-
104.	Sh. Sumangla Kapoor	-do-
105.	Sh. B.W. Patil	-do-
106.	Sh. R. Ramanujam	-do-
107.	Sh. Amit	-do-
108.	Sh. Anil Kapoor	-do-
109.	Sh. Arvind Gupta	-do-
110.	Sh. Bindoo Srivastava	-do-
111.	Sh. Harish Chander Arora	-do-
112.	Sh. Ishwar Prakash	-do-
113.	Colonel V.K. Malhotra (Retd)	-do-
114.	Dr. V.B. Pandey	-do-
115.	Sh. Sarvinder Singh	-do-
116.	Sh. Sunil Singh	-do-
117.	Sh. Tirupati Waila	-do-
118.	Sh. Vikash Chand	-do-
119.	Sh. Manoj Grover	-do-
120.	Sh. Vaibha Srivastava and others	-do-
121.	Sh. Tulinder Katoch	-do-
122.	Sh. Narsingh Kumar	-do-
123.	Sh. Ritesh Kumar Singh	-do-
124.	Ms. Nutan Kumari	-do-
125.	Sh. S. Kumar	-do-
126.	Sh. D.K. Sinha	-do-
127.	Sh. Surender Singh	-do-
128.	Lt. Col. Rajiv Midha	-do-
129.	Dr. Deepak P. Sable	-do-
130.	Sh. Sandeep Jindal	-do-
131.	Sh. K.V. Ramamurthi	-do-
132.	Sh. Parvash Kumar Mishra	-do-
133.	Sh. Pawan Gulati	-do-

Sl. No.	Name	Organisation
134.	Sh. Digvijay Singh Rajput	-do-
135.	Sh. Ravi Yadav	-do-
136.	Col. S.P. Singh	-do-
137.	Sh. Santosh V. Shetty	-do-
138.	Dr. Satyanarayana	-do-
139.	Dr. (Col) Subhash Chandra Talwar	Individual
140.	Sh. Yoginder Kumar	-do-
141.	Sh. Y.P. Singh	-do-
142.	Sh. Ajai Randhawa	-do-
143.	Sh. Ashish Kulshrestha	-do-
144.	Sh. B.B. Tewari	-do-
145.	Sh. Deepak Sengupta	-do-
146.	Sh. Sahil Girotra	-do-
147.	Sh. Haresh Gujarathi	-do-
148.	Sh. Jitendra Ojha	West African Ceramics Ltd.
149.	Sh. P.K. Sood	Individual
150.	Sh. Rakesh Asthana	-do-
151.	Sh. Ram	-do-
152.	Sh. Ravish Malhan	-do-
153.	Sh. Sanjay Gupta	-do-
154.	Sh. Shaikh Mohammad Hasnain	-do-
155.	Sh. Shatrughana Kumar	-do-
156.	Prof. A.K. Mitra	-do-
157.	Sh. Biplab Kumar Mohanty	-do-
158.	Sh. Sunil Gupta	-do-
159.	Col Som Prakash Sharma (Retd.)	-do-
160.	Sh. Kishore Kumar Biyani	-do-
161.	Sh. Majoj Kaushik	-do-
162.	Sh. S.S. Chadra	Nirvana Cooperative Society
163.	Prof. Tribhawan N. Kutchlu	Individual
164.	Sh. D.S. Rawat	The Associated Chambers of Commerce and Industry of India
165.	Sh. M.C. Sharma	Individual
166.	Sh. G.S. Gill	-do-
167.	Sh. Kapil Kumar and others	POORWA

Sl. No.	Name	Organisation
168.	Sh. Sankalp Srivastava	Noida Flat Buyers Welfare Association (NFBWA)
169.	Brig. (Retd) R.R. Singh	National Real Estate Development Council (NAREDCO)
170.	Sh. R.K. Sharma	Express Greens Home Owners" Association (Regd)
171.	Sh. Sukbir Singh	Individual
172.	Sh. Paresh Bhandari	-do-
173.	Sh. Rahul Malik and others	-do-
174.	Sh. Vishwasjeet Singh	-do-
175.	Sh. Ashwani Kumar	-do-
176.	Sh. Suhail Gupta	-do-
177.	Sh. L.A. Balur	Chhatrapati Shivaji Road Area Development Association Ltd.
178.	Sh. P.K. Biswas	Individual
179.	Sh. K. Pratap	-do-
180.	Ms. Sukanya Hoon	-do-
181.	Sh. Dinesh Kumar	-do-
182.	Sh. Raj Singh Niranjana	Trans India Law Associates, Adocates and Legal Consultants
183.	Sh. Habib Ansari	Ansari Medical and Educational Charitable Trust
184.	Sh. Abhay Upadhyay	Kolkata West International City Buyers Welfare Association
185.	Sh. Ganesh Kumar	Individual
186.	Sh. Ishwar Singh	-do-
187.	Ms. Laxmi Mudhbhatkal	-do-
188.	Sh. Praveen Bhatt Todar	-do-
189.	Sh. R.P. Singh	-do-
190.	Sh. Sanjeev Chandrawat	-do-
191.	Sh. Pankaj Chowdhary	-do-
192.	Sh. C. Gopala Iyer	-do-
193.	Sh. B.K. Khanna	-do-
194.	Ms. S. Saroia	Consumer Advisory and Outreach Citizens Consumers and Civil Action Group, Chennai
195.	Sh. Praveen	Individual
196.	Sh. Rahul	-do-
197.	Sh. Sunil Bansal	-do-
198.	Sh. Harish Narasappa	-do-

Sl. No.	Name	Organisation
199.	Ms. Kiran Mahajan	-do-
200.	Sh. Ravi Ranjan Singh	Live Values Foundation
201.	Sh. Rohit Mattoo	Individual
202.	Sh. Shailesh Mehta	-do-
203.	Sh. Raju John	Builders Association of India, Mumbai
204.	Sh. Abhishek Tripathi	Sarthak Advocates and Solicitors
205.	Ms. Nirmala Desikan	Consumers Association of India and the CONCERT Trustee, Chennai
206.	Sh. Chaitanya Dike	Individual
207.	Sh. S.K. Gupta	-do-
208.	Sh. Susanta	-do-
209.	Sh. Sanjay Vijayaraghavan	PRAJA-RAAG
210.	Sh. Gopal Shetty	Individual
211.	Sh. Ravi Varma	NAR-India
212.	Sh. Navin M. Raheja	National Real Estate Development Council (NAREDCO)
213.	Sh. Nagesh	Individual
214.	Sh. Sudipto Sil	LIC Housing Finance Ltd.
215.	Sh. R.C. Sahu	Confederation of Real Estate Developer's Associations of India (CREDAI)
216.	Sh. Ramesh Prabhu	Maharashtra Societies Welfare Association
217.	Sh. Rajan Bandelkar	NAREDCO West
218.	Sh. Shiney Abey	CREDAI Bhopal Secretariat
219.	Sh. Girija Balakrishnan	Highland Park
220.	Sh. Ajay Mehta	Campa Cola Compound President Association
221.	Sh. R.C. Thakur	Adarsh Cooperative Housing Society
222.	Sh. Prakash Padikkan	Hill Side Resident Welfare Association
223.	Sh. Madhukar Singhania	New Sarnath Coop Housing Society
224.	Sh. Nayan Momaya	Sita Kunj Tenants and Residents Association
225.	Sh. Issar Hinduja	Bandra Panchsheel Cooperative Housing Society
226.	Sh. Sanjay Korwal	Voice, NGO
227.	Sh. Darryl D' Monte and others	Bandra (West) Residents Association
228.	Sh. Krunal Gadhia	GARGETS, Advocates and Solicitors
229.	Sh. Anshuman Jagtap	Hariani and Co., Advocates and Solicitors
230.	Sh. Amit Jain	Centre for Research and Analysis of Real Estate in India (CRARE)

Sl. No.	Name	Organisation
231.	Sh. Shailendra Kumar Singh	Advita Legal
232.	Sh. V.P. Verma	Individual
233.	Sh. D.L. Desai (Shankarbhai)	Builders' Association of India
234.	Lt. Col Balbir Singh (Retd)	Individual
235.	Sh. P.C. Goel	Hindon Heights Members Association
236.	Sh. Vinit Kaushik	Individual
237.	Shri Raj Singh Niranjana	-do-
238.	Shri Lal chand Sharma	-do-
239.	Shri Sachin Sandhir	RICS
240.	Shri Dharmpal Sejwal	Individual
241.	Shri R. Madhavan	-do-
242.	Shri Sandeep Kapatkar	-do-
243.	Dr. Vipul Mudgal	-do-
244.	Shri Ajay Kumar Lal	Deptt. of Environment and Forests
245.	Shri M.G Gopal	Municipal Administration and Urban Development Deptt., Government of Telangana
246.	President	Aliens Space Station 1 Owners Welfare Association
247.	Shri K.D. Choudhury	Govt. of Tripura, Urban Development, Town and Country Planning Organisation
248.	Dr. Ranjeet Mehta	PHD Chamber
249.	Shri Rashesh Purohit and other	NRI Residency Welfare Association
250.	Shri M.K. Poddar	Reserve Bank of India
251.	Shri Anil Kumar Gupta	CREDIA Bhiwadi
252.	Shri Navneet Kumar Sarin	Unitech Unihomes-3 Buyers Association
253.	Shri Rajesh Purohit	Individual
254.	Shri Rahul Kumar	Noida
255.	Shri Vikram Bishnoi	Residences Apartments Buyers Association
256.	Shri Manish Agarwal	RG Residency
257.	Shri S.K. Shukla	Individual
258.	Shri S.K. Mittal	Association of Certified Realtors of India (ACRI)
259.	Shri R.S. Garg	National Housing Bank
260.	Shri Sanjay Bhargava	Bombay Homes
261.	Shri Getamber Anand	CREDAI (National)
262.	Shri Atul Jhavar	Credible Builders Pvt. Ltd.

Sl. No.	Name	Organisation
263.	Shri Som Parkash Rehil	Commercial Complex RD No. 44 Pitampura Association (Regd.)
264.	Shri D. Subramahmanya Bhat	Individual
265.	Shri M.S. Shankar	Mahaveer Chalet Apartment Owners Association
266.	Shri Rachit Garg	GMTCI, CREATOR, ITPL
267.	Shri P.K. Sharma	Assam Real Estate and Infrastructure Developers Association
268.	Shri Ashok Agarwal	Township Developers Association of Rajasthan (TODAR)
269.	Shri Navin Raheja	ASSOCHAM
270.	Shri O.P. Verma	Apartment Owners Associations Federation Ghaziabad
271.	Shri Karan Sharma	Confederation of Indian Industry (CII)
272.	Shri Saket Srivastava	Individual
273.	Shri Shirish Deshpande	Mumbai Grahak Panchayat

MINUTES**I****(FIRST MEETING)**

The Committee met at 5.30 P.M. in Room No. 62, 1st Floor, Parliament House, New Delhi on Tuesday, 12th May, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave—Chairman
2. Shri Mansukh L. Mandaviya
3. Shri Shamsher Singh Manhas
4. Shri Shantaram Naik
5. Prof. M.V. Rajeev Gowda
6. Kumari Selja
7. Shri Naresh Agarwal
8. Shri K.C. Tyagi
9. Shri Md. Nadimul Haque
10. Shri A.W. Rabi Bernard
11. Shri Munquad Ali
12. Shri Ritabrata Banerjee
13. Shri A.U. Singh Deo
14. Shri C.M. Ramesh
15. Shri Majeed Memon
16. Dr. K.P. Ramalingam
17. Shri Anil Desai
18. Shri Naresh Gujral
19. Shri Naresh Ahmed Laway
20. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Joint Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi
4. Shri Sammer Kapoor, Assistant Director

2. At the outset, the Chairman welcomed the Members to the meeting of the Committee and sought to have their views on the course of action that may be adopted for the examination of the Real Estate (Regulation and Development) Bill, 2013. He informed the Members that the Bill has to be reported in the Rajya Sabha by the last day of the first week of the next Session. Thereafter, the Chairman invited views/suggestions from the Members on the subject.

The Members pointed out the crucial issues related to the Bill, such as, the protection of the consumer's rights, pricing and timely completion of projects, registration of real estate projects and the real estate agents and understanding their view point too for a comprehensive understanding of the legislation. Some other related issues also pointed out like the emergence of online real estate business, effectiveness of the regulatory authority and the appellate body proposed to be set up under the Bill, the legalities involved in real estate transactions, etc.

3. The Committee in order to have inputs from the stakeholders in the country, decided to undertake study visits to Kolkata and Bengaluru from the 7th to 11th June, 2015, and Mumbai and Shimla from 25th to 30th June, 2015. During the course of these study visits, the Committee proposed to have interaction with the concerned representatives of the State Governments along with other's stakeholders representing the builders, consumers, NGOs, Associations, individuals, etc. concerned with the subject matter of the Bill. The Committee also decided to have meetings in the first week of July, 2015 for hearing stakeholders from Delhi/NCR region and the surrounding States and the representatives of other Ministries of the Central Government concerned with the subject.

4. The Committee also decided to issue a Press release in leading National/Regional Dailies in order to have views/suggestions from the general public on the provisions of the Bill.

5. The Committee authorized its Chairman to seek necessary permission from Hon'ble Chairman for its proposed study visits.

6. The Committee decided to meet again on the 26th May, 2015.

7. A verbatim record of the proceedings of the meeting was kept.

8. The Committee then adjourned at 6.00 P.M.

II**(Second Meetings)**

The Committee met at 4.00 P.M. in Room No. 62, 1st Floor, Parliament House, New Delhi on Tuesday, 26th May, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave—Chairman
2. Kumari Selja
3. Shri Naresh Agrawal
4. Shri K.C. Tyagi
5. Shri A.W. Rabi Bernard
6. Shri Munquad Ali
7. Shri A.U. Singh Deo
8. Shri Majeed Memon
9. Dr. K.P. Ramalingam
10. Shri Anil Desai
11. Shri Naresh Gujral
12. Shri Nazir Ahmed Laway

SECRETARIAT

1. Shri Deepak Goyal, Joint Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director

2. The Chairman welcome the Members of the Committee and informed them about the proposed visits of the Select Committee to Kolkata and Bengaluru from 7th to 11th June, 2015 and to Mumbai and Shimla from 25th to 30th June, 2015. The Members after some discussion approved the detailed tour programmes of the Select Committee.

3. Thereafter, Secretary, Ministry of Housing and Urban Poverty Alleviation made a presentation before the Committee on the provisions of the Bill. The Secretary, while making her presentation informed the Committee briefly about the background leading to introduction of the Real Estate (Regulation and Development) Bill, 2013 in the Rajya Sabha. She, further, informed that the proposed legislation would ensure fast track dispute redressal system and would boost the confidence of the investors while saving the interest of consumers. The Secretary highlighted the broad features of the Bill and also the amendments proposed by Government in it.

4. After the presentation, the Members raised several questions on the provisions of the Bill. The Secretary replied to some of them, but Members insisted on further clarifications. The Chairman, Select Committee directed the Secretary to submit a written reply to the points raised by Members. He also observed that after the visits of the Committee she would be called again to give clarifications on various provisions of the Bill.

5. The verbatim record of the proceedings of the meeting was kept.

6. The Committee then adjourned at 5.00 P.M.

III**(Third Meeting)**

The Committee met at 10.00 A.M. in Main Committee Room, Parliament House Annexe, New Delhi on Monday, the 6th July, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave—Chairman
2. Shri Shamsher Singh Manhas
3. Shri Shantaram Naik
4. Prof. M.V. Rajeev Gowda
5. Kumari Selja
6. Shri Naresh Agrawal
7. Shri K.C. Tyagi
8. Shri Ritabrata Banerjee
9. Shri A.U. Singh Deo
10. Shri Majeed Memon
11. Shri Anil Desai
12. Shri Naresh Gujral
13. Shri Nazir Ahmed Laway
14. Shri D. Kupendra Reddy
15. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Additional Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director
4. Shri Sammer Kapoor, Assistant Director
5. Shrimati Leela Sarna, Assistant Director

**REPRESENTATIVES OF MINISTRY OF HOUSING AND URBAN POVERTY
ALLEVIATION**

1. Shri Rajiv Ranjan Mishra, Joint Secretary
2. Shri Nagendra Goel, Legal Advisor

WITNESSES

Sl. No.	Name	Organisation
1.	Shri Abhishek Kumar, President Shri Indrish Gupta Smt. Shweta Bharti	Nodia Extension Flat Owners Welfare Association
2.	Shri P. S. Jain, President Shri Chetan Sharma	Confederation of NCR Resident' Welfare Accociation
3.	Shri Rashesh Purohit Shri Rahul Kumar, Advocate	NRI residency Welfare association, Nodia
4.	Shri Kapil Kumar	Pan Oasis, Nodia, POORWA

Sl. No.	Name	Organisation
5.	Ms. Saloni Paroothi	RG Residency Buyers association, Nodia
6.	Shri Navneet Kumar Sarin, Advocated	Unitech Unihomes 3 Buyers Association, Nodia
7.	Shri Sanjeev Priyadershi Shri Punit Parashar	Heartbeat City Welfare Association, Nodia
8.	Shri Ashok Kaul	Gardenia aims flat owners association, Nodia.

2. At the outset, the Chairman welcomed all Members present, the representatives of Consumer Associations, Resident Welfare Associations and Real Estate Developers of NOIDA, Greater Nodia and representatives of Ministry of Housing and Urban Poverty Alleviation to the meetings and apprised them the objectives of the Real Estate (Regulation and Development) Bill, 2013. The Chairman clarified the purport of calling the witnesses for the meeting and requested them to be brief and specific while presenting their views before the Committee.

3. Thereafter the witness made presentation and replied to the queries raised by the Members.

4. The Chairman apprised the Members that due to heavy rains and many of the Witnesses from Gurgaon were finding it difficult to reach the meeting venue. In view of that the meetings scheduled for 12.00 noon and 1.00 P.M. was postponed for the next day, *i.e.* 7th July, 2015.

5. A verbatim record of the proceedings was kept.

6. The meetings adjourned at 12.15 P.M.

IV

(FOURTH MEETING)

The Committee met at 10.00 A.M. in Main Committee Room, Parliament House Annexe, New Delhi on Monday, the 7th July, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave — Chairman
2. Shri Mansukh L. Mandaviya
3. Shri Shamsher Singh Manhas
4. Shri Shantaram Naik
5. Kumari Selja
6. Shri Naresh Agrawal
7. Shri K. C. Tyagi
8. Shri Md. Nadimul Haque
9. Shri A. W. Rabi Bernard
10. Shri A. U. Singh Deo
11. Shri Majeed Memon
12. Dr. K. P. Ramalingam
13. Shri Anil Desai
14. Shri Naresh Gujral
15. Shri Nazir Ahmed Laway
16. Shri D. Kupendra Reddy
17. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Additional Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director
4. Shri Sammer Kapoor, Assistant Director
5. Smt. Leela Sarna, Assistant Director

**REPRESENTATIVES OF MINISTRY OF HOUSING AND URBAN POVERTY
ALLEVIATION**

1. Shri Rajiv Ranjan Mishra, Joint Secretary
2. Shri Nagendra Goel, Legal Advisor

WITNESSES

- (I) State Governments, all Government Authorities & Town Planning bodies.
- (II) Others (Private Witnesses)

10.00AM

Shri Vipul Mudgal	DLF Gurgaon
Shri Bejon Mishra	Consumer Guidance Society of Jamshedpur (CGSJ)
Shri Vikram Bishnoi	Unitech The Residences, Gurgaon
Shri Akhilesh Dwivedi	New Town Heights RWA
Gen. Secretary	

Shri Sudhir Vohra
Architect Activist

Shri Padam Mohan Mishra,
Secretary

Upbhokta Sanrakchhan & Kalian
Samiti, U.P.

Shri Abhishek Srivastava,
Chairman

Consumer Guild, Lucknow

Shri Kailash Sharma
General Secretary

Kachchi Basti Vikas Mahasangh,
Jaipur

Shri Sanjay Pandey+1

Parsvnath Regalia, Delhi

Shri Alok Kumar + 3 others

Federation of Association of
Apartment owners, Ghaziabad

Ms. Pooja Srivastav

Federation of owners association,
Ghaziabad

Shri Vijay Goel + others

Parsvnath Exotica, Ghaziabad

Shri C. Ashok Vardhan + 1

Gardenia Glamour Apartment Owners
Association, Ghaziabad

Shri Co. Tejendra Pal Tyagi
President

AOA Federation, Ghaziabad

Shri Piyush Misra
Director

Consumer Online Foundation

11:00 AM

Name and Designation

Organization

Shri Naveen Raheja, Chairman +
3 others

NAREDCO

Shri Anil Mithas Senior, Members

ASSOCHAM

Shri Anshuman Magazine + 1

CIL

Dr. Ranjeet Mehta

PHD chamber of Commerce and
Industry, New Delhi

Shri Atul Chordia CMD

Panchshil Realty

Ms. Mousumi Roy, Sr. Director

Real Estate & Urban Development,
FICCI, New Delhi

Shri Akhilesh Kumar, CEO

CGEWHO

Shri Shri Zakir Bhati, President +
1

Rajasthan Realtors Association
(RRA), Rajasthan

Col. Kulvinder Singh, President
+ 1

Association of Certified Realtors of
India (ACRI)

Shri Ashok Patni, Vice Chairman

Rajasthan State Real Estate
Development Council

Managing Director

DLF Ltd. Gurgaon

Shri Sanjay Gupta + 1

M3M India Pvt. Ltd Gurgaon,
Haryana

Name and Designation	Organization
Shri Ranjeev Kalia + 1	Ansal Buildwell Limited, New Delhi
Shri Ravi Varma	Laxman National Association of Realtors India
Shri Ashok Agrawal, President + 1	TODAR, Rajasthan
Shri Satbir Singh Sawhney, Director	Gagandeep Properties (P) Ltd.
Shri A. S. Ahluwalia Commander (Rtd.)	Joe Prun Enterprises
Shri Anil Kumar Gupta, President + others	CREDAI, Bhiwari
Shri Ravi Varma, Chairman	National Association of Realtors India
Shri Vinod Rohira CEO	K. Raeja Corporation

12:00 Noon

Name and Designation	Organization
Shri Praveen Jain, Chief Town Planner	Deptt. of Urban Development, Housing and Local Self Govt., Government of Rajasthan
Shri R. K. Vyayrasjia, Sr. Town Planner	RUIFDco (JNNURM & RAY), Govt. of Rajasthan
Shri R. K. Agrawal, Managing Director	RAVIL, Govt. of Rajasthan
Shri Sadakant Shukla, Principal Secretary (Housing)	Urban Development Govt. of Uttar Pradesh
Shri Rama Raman, Chairman and CEO	Nodia Development Authority and Greater Nodia Development Authority
Shri Ajay Kumar Mishra, Chief Town Planner,	Govt. of Uttar Pradesh
Shri Chetan B. Sanghi, Principal Secretary	Urban Development, Govt. of Delhi
Shri V. K. Jain, CEO + 1	DUSIB, Govt. of Delhi
Shri S.T. Puttaraju, Chief Town Planner	Urban Development, Goa
Shri T. Ramanan, Chief Town Planner	Housing and Urban Development, Kerala
Shri Ajit Mishra, Joint Secretary	Housing & Urban Development, Odisha
Shri P.L. Sharma, Chief Town, Planner,	Urban Development & Housing, Gujarat
Shri Sanjay Kumar, District Town Planner,	Town & Country Planning Deptt, Haryana Development Authority

Name and Designation	Organization
Shri Santosh Yadav	Chairman Ghazibad Development Authority and CEO Yamuna Expressway Industrial Development Authority

2. The Chairman welcomed the Members present, representatives of Consumer Associations, Resident Welfare Associations and Real Estate Developers of Gurgaon, Rajasthan, NCT of Delhi and Uttar Pradesh and representatives of the Ministry of Housing and Urban Poverty Alleviation to the meetings and apprised them the objectives of the Real Estate (Regulation and Development) Bill, 2013. The Chairman also clarified the purport of calling the witnesses for the meeting and requested them to be brief and specific while presenting their views before the Committee.

3. The witnesses made presentation and replied to the queries of the members.

4. The Committee also heard views of the consumers Associations, RWAs and Real Estate Developers etc. of Gurgaon who were scheduled to appear before the Committee on 6th July, 2015 at 10.00 A.M. and 11.00 A.M. respectively along with the other witnesses.

5. At 12.00 noon the Committee heard the views of the representatives of Government of Uttar Pradesh, Rajasthan and NCT of Delhi. Moreover, the representatives of the State Governments of Kerala, Odisha and Goa who could not earlier appear before the Committee also presented their views on the specific provisions of the Bill. the Chairman also requested the witnesses to submit an additional point, if they find those relevant, within a week to the Secretariat.

6. A verbatim record of the proceedings was kept.

7. The meetings adjourned at 1.10 P.M.

V

(FIFTH MEETING)

The Committee met at 11.30 A.M. in Room No. 63, Parliament House, New Delhi on Wednesday, the 15th July, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave — Chairman
2. Shri Mansukh L. Mandaviya
3. Shri Shamsher Singh Manhas
4. Shri Shantaram Naik
5. Prof. M. V. Rajeev Gowda
6. Kumari Selja
7. Shri Naresh Agrawal
8. Shri K. C. Tyagi
9. Shri Ritabrata Banerjee
10. Shri A. U. Singh Deo
11. Shri Majeed Memon
12. Shri Anil Desai
13. Shri Naresh Gujral
14. Shri Nazir Ahmed Laway
15. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Additional Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director
4. Smt. Leela Sarna, Assistant Director

**REPRESENTATIVES OF MINISTRY OF HOUSING AND URBAN POVERTY
ALLEVIATION**

5. Dr. (Smt.) Nandita Chatterjee, Secretary
6. Shri Rajiv Ranjan Mishra, Joint Secretary
7. Shri Premjit Lal, Director
8. Shri Nagendra Goel, Legal Advisor

REPRESENTATIVES OF MINISTRY OF LAW AND JUSTICE

1. Dr. N.R. Battu, Joint Secretary & Legislative Counsel
2. Shri R. Sreenivas, Deputy Legislative Counsel

At the outset, the Chairman welcomed the Members of the Committee, Secretary of Ministry of Housing and Urban Poverty Alleviation and representatives of Ministry of Law and Justice to the meeting of the Committee and informed them that the meeting had been called for the clause by clause consideration of the Bill by the Committee.

2. The Committee considered Clause (1), 2 and upto sub-clause (2) (b) of Clause 3. On certain issues discussion remained inconclusive and the Committee requested the Ministry to consider revised formulation for those provisions.

3. The Committee also raised some queries from the representatives of the Ministry of Law and Justice which were duly clarified by the representatives.

4. The Committee decided to take up the rest of the clauses in the meeting scheduled on 16th July, 2015.

5. A verbatim record of the proceedings was kept.

6. The meeting then adjourned at 1.55 P.M.

VI

(SIXTH MEETING)

The Committee met at 10.00 A.M. in Room No. 63, Parliament House, New Delhi on Wednesday, the 16th July, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave — Chairman
2. Shri Mansukh L. Mandaviya
3. Shri Shantaram Naik
4. Prof M. V. Rajeev Gowda
5. Kumari Selja
6. Shri Naresh Agrawal
7. Shri A.W. Rabi Bernard
8. Shri A.U. Singh Deo
9. Dr. K.P. Ramalingam
10. Shri Anil Desai
11. Shri Naresh Gujral
12. Shri Nazir Ahmed Laway
13. Shri D. Kupendra Reddy
14. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Additional Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director
4. Shri Sammer Kapoor, Assistant Director
5. Smt. Leela Sarna, Assistant Director

At the outset, the Chairman welcomed the Members of the Committee, Secretary of Ministry of Housing and Urban Poverty Alleviation and representatives of Ministry of Law and Justice to the meeting of the Committee and continued the clause by clause consideration on the Bill.

2. The Committee continued its clause by clause consideration of the Bill from sub-clause (2)(b) of Clause (3) onward upto Clause 80 alongwith amendment proposed by Government and other Members. Members made several suggestions on the existing provisions of the Bill and the representatives of the Ministries were directed to redraft those provisions or make new formulation for incorporation in the report.

4. A verbatim record of the proceedings was kept.

5. Thereafter the Committee decided to meet on 21st July, 2015 to consider and adopt the draft Report of the Select Committee on Real Estate (Regulation and Development) Bill, 2013. The meeting adjourned at 1.00 P.M.

VII

(SEVENTH MEETING)

The Committee met at 3.30 P.M. in Room No. 63, Parliament House, New Delhi on Tuesday, the 21st July, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave — Chairman
2. Shri Mansukh L. Mandaviya
3. Shri Shantaram Naik
4. Prof. M. V. Rajeev Gowda
5. Kumari Selja
6. Shri K.C. Tyagi
7. Shri A.W. Rabi Bernard
8. Shri Ritabrata Banerjee
9. Shri A.U. Singh Deo
10. Shri C.M. Ramesh
11. Shri Majeed Memon
12. Dr. K.P. Ramalingam
13. Shri Anil Desai
14. Shri Naresh Gujral
15. Shri Nazir Ahmed Laway
16. Shri D. Kupendra Reddy
17. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Additional Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director
4. Shri Sammer Kapoor, Assistant Director

REPRESENTATIVES OF MINISTRIES

(i) HOUSING AND URBAN POVERTY ALLEVIATION

1. Dr. (Smt.) Nandita Chatterjee, Secretary
2. Shri Rajiv Ranjan Mishra, Joint Secretary
3. Shri Premjit Lal, Director
4. Shri Nagendra Goel, Legal Counsel

(ii) LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Mukulita Vijayawargiya, Additional Secretary
2. Dr. N.R. Battu, Joint Secretary & Legislative Counsel
3. Shri R. Sreenivas, Deputy Legislative Counsel

The Chairman welcomed the Members of the Committee, Secretary of Ministry of Housing and Urban Poverty Alleviation and representatives of Ministry of Law and Justice to the meeting of the Committee and informed that the meeting had been called for consideration and adoption of the draft report on the Bill.

2. Some Members started the discussion on the definition of 'allottee' and inclusion of commercial property and particularly, the use of the word 'industry'. The representatives of the Ministry explained the position. However, the discussion could not be completed as some other Members said that they could not go through the draft Report as they had received it in the morning itself on 21st July, 2015 *i.e.* the day of meeting and they needed some time to study the report.

3. The Chairman agreed to the demand of Members and decided to hold another meeting on Wednesday the 22nd July, 2015 at 4.00 P.M. for consideration and adoption of the draft Report of the Select Committee on Real Estate (Regulation and Development) Bill, 2013.

4. A verbatim record of the meeting was kept.

5. The meeting then adjourned at 4.05 P.M.

VIII

(EIGHTH MEETING)

The Committee met at 4.00 P.M. in Committee Room No. D, Parliament House Annexe, New Delhi on Wednesday, the 22nd July, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave — Chairman
2. Shri Mansukh L. Mandaviya
3. Shri Shantaram Naik
4. Prof. M. V. Rajeev Gowda
5. Kumari Selja
6. Shri Naresh Agrawal
7. Shri K.C. Tyagi
8. Shri Md. Nadimul Haque
9. Shri A.W. Rabi Bernard
10. Shri Ritabrata Banerjee
11. Shri C.M. Ramesh
12. Shri Majeed Memon
13. Dr. K.P. Ramalingam
14. Shri Anil Desai
15. Shri Naresh Gujral
16. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Additional Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director
4. Shri Sammer Kapoor, Assistant Director

REPRESENTATIVES OF MINISTRIES

(i) HOUSING AND URBAN POVERTY ALLEVIATION

1. Shri Rajiv Ranjan Mishra, Joint Secretary
2. Shri Nagendra Goel, Legal Counsel

(ii) LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. N.R. Battu, Joint Secretary & Legislative Counsel
2. Shri R. Sreenivas, Deputy Legislative Counsel

The Chairman informed that as decided by the Committee at its meeting held on 21st July, 2015, the meeting had been called for consideration and adoption of the draft report on the Bill.

2. Some Members then stated that they could not go through the draft Report as they did not get time due to their engagement in the Session and they needed some more time to study the report. They requested the Chairman to seek extension of time for presentation of the Report. However, some other Members were agreeable to the adoption of draft Report in the meetings.

3. The Committee than authorized the Chairman of the Committee to consult Chairman, Rajya Sabha regarding extension of time for presentation of the Report of the Select Committee on Real Estate (Regulation and Development) Bill, 2013 and seek extension of time by a few days, accordingly.

4. A verbatim record of the meeting was kept.

5. The meeting adjourned at 5.15 P.M.

IX**(NINTHMEETING)**

The Committee met at 5.00 P.M. in Committee Room No.E, Parliament House Annexe, New Delhi on Monday, the 27th July, 2015.

MEMBERS PRESENT

1. Shri Anil Madhav Dave — Chairman
2. Shri Shamsheer Singh Manhas
3. Shri Shantaram Naik
4. Prof. M. V. Rajeev Gowda
5. Kumari Selja
6. Shri Naresh Agrawal
7. Shri K.C. Tyagi
8. Shri A.W. Rabi Bernard
9. Shri Munquad Ali
10. Shri Ritabrata Banerjee
11. Shri A.U. Singh Deo
12. Shri C.M. Ramesh
13. Shri Majeed Memon
14. Shri Anil Desai
15. Shri Naresh Gujral
16. Shri Rajeev Chandrasekhar

SECRETARIAT

1. Shri Deepak Goyal, Additional Secretary
2. Shri Surendra Tripathi, Director
3. Dr. (Smt.) Subhashree Panigrahi, Joint Director
4. Shri Sammer Kapoor, Assistant Director

REPRESENTATIVES OF MINISTRIES**(i) HOUSING AND URBAN POVERTY ALLEVIATION**

1. Dr. Nandita Chatterjee, Secretary
2. Shri Rajiv Ranjan Mishra, Joint Secretary
3. Shri Nagendra Goel, Legal Counsel

(ii) LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Mukulita Vijayawargiya, Additional Secretary
2. Dr. N.R. Battu, Joint Secretary & Legislative Counsel
3. Shri R. Sreenivas, Deputy Legislative Counsel

The Chairman welcomed the Members of the Committee and representatives of Ministries of Housing and Urban Poverty Alleviation and Law and Justice to the meeting of the Committee and informed that as decided by the Committee as its meeting held on 22nd July, 2015, the time for presentation of the Report of the Committee had been extended till 29th July 2015.

2. The Committee, therefore, considered the draft Report and after some discussion adopted it with few minor modifications. Some Members expressed their dissent on certain issues and submitted dissent notes to be appended to the Report.

3. The Committee then authorized the Chairman of the Committee to present the Report of the Select Committee on Real Estate (Regulation and Development) Bill, 2013 to the House on 29th July, 2015 and also to nominate another member to do so in case he is absent.

4. A verbatim record of the meeting was kept.

5. The meeting then adjourned at 6.30 P.M.
